

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 61, A bill to be entitled "An Act fixing the open season for hunting, taking or killing Black Tail Deer in that part of the State west of the Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, and be printed in the Journal, but not otherwise.

WIRTZ, Chairman.

By Berkeley. S. B. No. 61.

A BILL To Be Entitled

An Act fixing the open season for hunting or killing Black Tail Deer in that part of the State west of the Pecos River; limiting and restricting the killing of such deer during said open season in said territory; prescribing the penalty for violating any provision of this Act; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Hereafter it shall be unlawful to hunt, take or kill any Black Tail Deer in any part of this State west of the Pecos River except during the period from the first to the tenth day of November inclusive of each year, and in said territory during said open season it shall be unlawful to hunt, take or kill any such deer unless it be a buck, with pronged horn, and it shall be unlawful to kill more than one such pronged horn buck during any one open season in said territory. Any person violating any provision of this Act shall be subject to a fine of not less than fifty dollars nor more than two hundred dollars.

Sec. 2. The fact that the provisions of this Act are necessary in order to preserve the Black Tail species of deer in the territory affected by this Act, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that

this Act shall take effect and be in force from and after its passage, and it is so enacted.

FOURTEENTH DAY.

Senate Chamber,
Austin, Texas,
May 30, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Price. Smith.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Ward:

S. B. No. 78, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925 as amended by Chapter 290 of the General and Special Laws of the Regular Session of the 40th Legislature so as to correct an error as made by the 40th Legislature in reference to the salary of county commissioners in counties having an assessed valuation of less than \$6,500,000.00, and making certain other changes in said Article 2350 in reference to the compensation of county commissioners; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Bailey:

S. B. No. 79, A bill to be entitled "An Act to create Road District Number One (1) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said county in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Vehicles.

By Senator Bailey:

S. B. No. 80, A bill to be entitled "An Act to create Road District Number Two (2) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said county, in respect to the organization of said District; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Vehicles.

By Senator Bailey:

S. B. No. 81, A bill to be entitled "An Act to create Road District Number Four (4) in San Patricio County, Texas, validating and approving all orders made by the

Commissioners' Court of said county, in respect to the organization of said District; validating the authorization, issuance and sale of certain Road Bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Vehicles.

By Senator Bailey:

S. B. No. 82, A bill to be entitled "An Act to create Road District Number Five (5) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance and sale of certain Road Bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said county in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Vehicles.

By Senator Wood:

S. B. No. 83, A bill to be entitled "An Act authorizing counties to pay taxes on school lands owned by such counties, pursuant to Section 6a of Article VII of the State Constitution recently adopted by the people; prescribing the funds out of which any such taxes may be paid; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Witt:

S. B. No. 84, A bill to be entitled "An Act providing that no property or any interest therein shall be subjected to any further inheritance tax as provided in Chapter 5 of Title 122 of the Revised Civil Statutes of 1925 within five years after such property has become subjected to such tax; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bledsoe:

S. B. No. 85, A bill to be entitled "An Act changing and fixing the terms and times of holding district court in the 72nd and the 99th Judicial Districts; enacting proper provisions relating to process issued, bonds and recognizances made and grand and petit juries drawn before this Act takes effect in said Judicial Districts; enacting provisions relating to the jurisdiction of the district courts in said districts in Lubbock County and providing for the transfer of cases in said county as between the district courts of said judicial districts; providing for all things necessary to be done in connection with any such cases so transferred, and enacting provisions relating to process and writs in any such transferred cases; providing all things necessary and incidental to the main subject and purpose of this Act whether mentioned in detail in this caption or not; declaring the rule of construction in event any part or provision of this Act should be held unconstitutional or invalid for any reason; providing for the holding of any term of court in session at the time this Act takes effect; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Love:

S. B. No. 86, A bill to be entitled "An Act to amend Article 2249 of the Revised Civil Statutes of Texas as amended February 21, 1927, so as to make clear the scope and purpose of the amendment."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wirtz:

S. B. No. 87, A bill to be entitled "An Act to vest in the State Board of Water Engineers the administration of the laws heretofore admin-

istered by the State Reclamation Engineer; providing that the powers of the State Reclamation Engineer shall be taken over by the Board of Water Engineers; and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 88, A bill to be entitled "An Act to create a court to be known as the County Court of Cameron County at Law; and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Woodward:

S. B. No. 89, A bill to be entitled "An Act to amend Article 3716 of the Revised Civil Statutes of the State of Texas of 1925 by adding thereto a provision as follows: "Provided, however, that in actions begun during the lifetime of the decedent in which executors, administrators, guardians or the heirs or legal representatives of the decedent, have been substituted as parties Plaintiff or Defendant and in which such actions either the original Plaintiff or Defendant has testified in open Court or by deposition and has been subjected to cross examination by the other party, the testimony so given in open Court or by deposition by either party may be admitted in evidence upon any trial of the same issues between the surviving party and the executors, administrators, guardians, heirs or legal representatives of the deceased party; and provided further that any such party participating in or present at any such transaction or in whose presence any statement by or to the deceased or ward was made, shall not be disqualified as a witness by this Article, if any party adverse to him was present at or participated in the transaction and is living and competent to testify and available as a witness at the time of the trial or whose testimony has been lawfully preserved," and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Wood:

S. B. No. 90, A bill to be entitled "An Act to require the Highway Commission to formulate and exe-

cute a program for a better connected and correlated system of highways in this State intended to serve the greatest demands of travel, the heaviest traffic and the best interest of the State, and for the construction of more durable types of roads; providing for a continuity of policy on the part of the Highway Commission, and insuring a connected system of highways by requiring that the Highway Commission shall establish a system of primary highways from among the existing designated highways of the State, by requiring that the same shall be selected with the view of serving the needs and convenience of the greatest number of people having use for the highways, by requiring that a highway once placed in the system of primary highways shall not be taken out of that system without the consent of the Legislature or the consent of the Commissioners' Court of the county in which such highway is situated, and that if taken out compensation shall be made to the county for the amount of funds which it contributed to the construction thereof after its selection as a part of said system, and describing how said compensation shall be made, by further requiring that the mileage of additional highways added to such system of primary highways shall not exceed a total of three hundred miles in any one fiscal year, and by further requiring that it shall be the policy of the Highway Commission to give prior aid to the development of said primary highways selected from among the principal and most frequently used highways of the State and of filling of gaps in unimproved sections therein, to the end that safe and passable roads may be afforded the general traveling public across the State of Texas, and to and between the several sections thereof; authorizing the use of such portion of the State Highway Fund available for the construction and betterment of such primary highways, and placing a limit on the amount that may be so used; requiring counties through which such highways may pass to contribute their equitable share of the cost of construction or improvement, and authorizing the Highway Commission to withhold from any county which refuses or fails to contribute its just share of the cost of construc-

tion or improvement further allotments of aid, or to charge such county on any subsequent allotment of aid with its share which it should have contributed and was required to contribute; requiring that the Highway Commission shall give preference in allotments of aid wherever possible and consonant with the general plan and policy of highways in counties of this State to counties contributing to the cost of construction and improvement of the highways within such counties; providing that whenever the county contributes of its funds to the cost of such construction or improvement, the county judge or other official representative of the Commissioners' Court of such county in which the contract for the construction or improvement is to be let, shall have a vote with the Highway Commission in determining the type of construction and cost thereof, and in awarding and letting contracts for such construction and declaring an emergency."

Read first time and referred to the Committee on Highways and Motor Traffic.

By Senator Reid:

S. B. No. 91, A bill to be entitled "An Act amending Article 725, Revised Civil Statutes of 1925, authorizing the issuance of refunding bonds bearing the same or a lower rate of interest, in lieu of any valid outstanding bonds which have been issued under authority of Title 22 or Title 71, Revised Civil Statutes of 1925, or provisions of law which have been amended or superseded thereby, and adding Article 725b, validating all refunding bonds that have heretofore been issued and approved by the Attorney General for the purpose of refunding valid outstanding bonds of any of the counties of Texas; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Reid:

S. B. No. 92, A bill to be entitled "An Act relating to insurance certificates or policies issued by fraternal benefit societies; providing that certain statements in connection therewith in the absence of fraud shall be deemed representations and not warranties; making such certificates or policies incon-

testable after two years from their date, except for certain reasons; prescribing the rule of law which shall prevail as to the liability of any such fraternal benefit society where it fails to pay a loss within sixty days after proof of death, and prescribing the penalty that shall result for such failure; prescribing the rule as to the amount payable where the insured mis-states his or her age; and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Love:

S. B. No. 93, A bill to be entitled "An Act requiring the teaching of American Ideals and Intelligent Patriotism in the State with special reference to obedience to law and to the enforcement of the law; and authorizing the State Textbook Commission to adopt a suitable textbook for giving such instruction and providing for the purchase of flags; and carrying the emergency clause."

Read first time and referred to Committee on Internal Improvements.

By Senator Love:

S. B. No. 94, A bill to be entitled "An Act amending Article 7257 of the Revised Civil Statutes of 1925 so as to provide a better means of knowing whether all prior taxes have been paid on property described in a tax receipt issued by the county tax collector; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 95, A bill to be entitled "An Act providing for the issuance of road bonds in districts composed of any number of adjoining counties in this State; providing the necessary machinery and regulations as to the voting of same, and the disposition of the proceeds thereof for road purposes; etc., and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

By Senator Bailey:

S. B. No. 96, A bill to be entitled "An Act to amend Chapter 79 of the General Laws of the Regular Session of the 40th Legislature entitled 'An Act to Amend Article 1816, Chapter 1, Title 39, Revised

Civil Statutes of 1925,' and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Bailey:

S. B. No. 97, A bill to be entitled "An Act to amend Chapter 76 of the General Laws of the Regular Session of the 40th Legislature entitled 'An Act to amend Article 1738, Chapter 3, Title 37, Revised Civil Statutes of 1925,' and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Real:

S. B. No. 98, A bill to be entitled "An Act fixing compensation for County Tax Assessors in counties containing a city with a population of over 125,000 according to the last United States Census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; etc."

Read first time and referred to Committee on State Affairs.

By Senator Wood:

S. B. No. 99, A bill to be entitled "An Act relating to the duties of the County Board of Education of counties with an area of more than eleven hundred square miles and a population of not less than forty thousand and not more than one hundred thousand, according to the 1920 Federal census; authorizing the appointment of the County Superintendent of Public Instruction, and his assistants, providing supervision, authorizing the nomination of teachers by the County Superintendent subject to confirmation by local trustees, authorizing the purchase of supplies by the District Trustees, subject to the confirmation of the county superintendent, providing for an Equalization Fund, repealing all laws, or parts of laws, general or special in conflict herewith; and declaring an emergency."

Read first time and referred to Committee on Education.

By Senator Floyd:

S. B. No. 100, A bill to be entitled "An Act to create Lamar-Delta

County Levee Improvement District Number Two, in the Counties of Lamar and Delta, State of Texas; validating and approving all orders made by the Commissioners Courts of said Counties and of the Board of Supervisors of said District in respect to the organization and establishment thereof; validating, approving and ratifying all proceedings had by the Commissioners Courts relative to the appointment of the Commissioners of Appraisalment of said District; validating, ratifying and approving all proceedings had by the Commissioners of Appraisalment of said District in respect of assessments of benefits and damages to lands to be affected by the carrying-out of the Plan of Reclamation approved by the State Reclamation Engineer; validating the authorization, issuance and sale of certain improvement bonds of said District, and providing for their payment by the annual levy, assessment and collection of taxes on all taxable property in said Levee District; approving and validating all orders, resolutions or decrees of the Commissioners Courts of said Counties, the Board of Supervisors of said Levee District, and the Commissioners of Appraisalment of said Levee District, in respect of the said District, its bonds and taxes, or certified copies thereof, and constituting such orders, resolutions and decrees legal evidence; evidencing proof of publication of constitutional notice; and declaring an emergency."

Read first time and referred to Committee on Highways and Motor Traffic.

Senate Bills Signed.

After their captions were read, the Chair signed in the presence of the Senate the following bills:

S. B. No. 14.	S. B. No. 31.
S. B. No. 19.	S. B. No. 12.

Senate Bill No. 6.

Senator Wood received unanimous consent to take up out of its order, S. B. No. 6, A bill to be entitled "An Act making an appropriation for the year beginning September 1, 1928, and ending August 31, 1929, to supplement the State's available school fund, and to be distributed in the same manner as that fund is distributed under the laws of this State; and declaring an emergency."

House Bill No. 7.

Under the joint rules, the Chair laid before the Senate, the following bill, being on the same subject as S. B. No. 6:

H. B. No. 7, A bill to be entitled "An Act making an appropriation for the year beginning September 1, 1928, and ending August 31, 1929, to supplement the State's available school fund, and to be distributed in the same manner as that fund is distributed under the laws of this State; and declaring an emergency."

The bill was read second time.

The Senate rule requiring Committee Reports to lie over one day was suspended by unanimous consent.

The committee report carrying a substitute was adopted.

Conference Report on Senate Bill No. 2.

Senator Bailey sent up the following conference report on S. B. No. 2:

CONFERENCE COMMITTEE REPORT.

Committee Room,
Austin, Texas, May 26, 1927.

Hon. Barry Miller, President of the Senate,
Hon. R. L. Bobbitt, Speaker of the House of Representatives.

Sirs: We, your Conference Committee appointed to consider the differences between the two Houses on

S. B. No. 2, A bill to be entitled "An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1927, and ending August 31, 1929; and declaring an emergency."

Have had the same under consideration and have adjusted the differences, and recommend the passage of the following substitute bill:

CONFERENCE COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 2.

A BILL

To Be Entitled

An Act making appropriations to pay salaries of judges, and the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1927, and ending August 31, 1929; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money, or so much thereof as may be necessary, be, and the same are hereby appropriated out of any money in the State Treasury, not otherwise appropriated, to pay the salaries of judges, and for the support and maintenance of the Judicial Department of the State Government for the two year period beginning September 1, 1927, and ending August 31, 1929.

COURT OF CIVIL APPEALS—FIRST DISTRICT

Galveston.

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	800.00	800.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expense	600.00	600.00
Fuel and lights	350.00	350.00
Furniture and typewriters	200.00	100.00
Total	\$ 29,670.00	\$ 29,570.00

COURT OF CIVIL APPEALS—SECOND DISTRICT

Fort Worth

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	800.00	800.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expense	650.00	650.00
Repairs on furniture	50.00	50.00
Bookcases for library	500.00	
Binding library books	500.00	
Furniture and fixtures	250.00	250.00
Typewriter	106.00	
Total	\$ 30,576.00	\$ 29,470.00

COURT OF CIVIL APPEALS—THIRD DISTRICT

Austin

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00

	For the Years Ending	
	August 31, 1928	August 31, 1929
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expense	800.00	800.00
Books for library	400.00	400.00
Typewriters	250.00	
Renovation of quarters, including refinishing walls, woodwork and furniture, floor cov- erings and new furniture	1,000.00	
Total	\$ 30,170.00	\$ 28,920.00

COURT OF CIVIL APPEALS—FOURTH DISTRICT

San Antonio

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	750.00	750.00
Books for library	500.00	500.00
Furniture	100.00	100.00
Total	\$ 29,070.00	\$ 29,070.00

COURT OF CIVIL APPEALS—FIFTH DISTRICT

Dallas

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	800.00	800.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	650.00	650.00
Total	\$ 29,170.00	\$ 29,170.00

COURT OF CIVIL APPEALS—SIXTH DISTRICT

Texarkana

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00

	For the Years Ending	
	August 31, 1928	August 31, 1929
Porter	720.00	720.00
Bookcases for library	100.00	100.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	750.00	750.00
Light and fuel	300.00	300.00
Books for library and subscription	750.00	750.00
Typewriters	100.00	150.00
Filing cases	100.00	
Furniture and desks	100.00	150.00
Total	\$ 29,920.00	\$ 29,920.00

COURT OF CIVIL APPEALS—SEVENTH DISTRICT

Amarillo

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	800.00	800.00
Record Books, stationery, ice, telephone, telegraph, express, postage, box rent, con- tingent and fuel	700.00	700.00
Total	\$ 29,220.00	\$ 29,220.00

COURT OF CIVIL APPEALS—EIGHTH DISTRICT

El Paso

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	800.00	800.00
Typewriters	100.00	100.00
Furniture	100.00	100.00
Records books, stationery, ice, telephone, telegraph, express, postage, box rent and contingent expenses	700.00	700.00
Steel bookrack	250.00	
Total	\$ 29,670.00	\$ 29,420.00

COURT OF CIVIL APPEALS—NINTH DISTRICT

Beaumont

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00

	For the Years Ending	
	August 31, 1928	August 31, 1929
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	500.00	500.00
Record books, stationery, ice, telegraph, telephone, express, postage, box rent, laundry, and contingent expenses	600.00	600.00
Filing cases	200.00	
Total	\$ 29,020.00	\$28,820.00

COURT OF CIVIL APPEALS—TENTH DISTRICT

Waco

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Books for library	1,000.00	1,000.00
Record books, stationery, ice, telegraph, telephone, express, postage, box rent and contingent expenses	800.00	800.00
Typewriters	100.00	100.00
Filing cases and furniture	250.00	250.00
Total	\$ 29,870.00	\$29,870.00

COURT OF CIVIL APPEALS—ELEVENTH DISTRICT

Eastland

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 21,000.00	\$ 21,000.00
Clerk	3,000.00	3,000.00
Deputy clerk	1,500.00	1,500.00
Stenographer	1,500.00	1,500.00
Porter	720.00	720.00
Record books, stationery, ice, telegraph, telephone, express, postage, box rent and contingent expenses	600.00	600.00
Typewriters	100.00	100.00
Fuel and lights	300.00	300.00
Furniture and fixtures	500.00	
Library and upkeep	500.00	500.00
Total	\$ 29,720.00	\$ 29,220.00

SUPREME COURT.

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 24,000.00	\$ 24,000.00
Clerk	2,500.00	2,500.00
Reporter	3,000.00	3,000.00
Three law clerks and stenographers	5,400.00	5,400.00
Assistant librarian and marshal	1,500.00	1,500.00
Porter for judges' rooms	720.00	720.00

	For the Years ending	
	August 31, 1928	August 31, 1929
Porter for court room, clerks office and library	720.00	720.00
Furniture, record books, stationery, typewriters, postage and express	2,000.00	2,000.00
Bookcases for library	2,000.00	-----
Purchase of law books selected by the court, and for rebinding	3,000.00	3,000.00
Contingent expenses	300.00	300.00
Deputy clerk, acting secretary to the Board of Legal Examiners, shall receive \$1,000.00 per annum; paid monthly out of fees of clerk's office.		
Total	\$ 45,140.00	\$ 43,140.00

COMMISSION OF APPEALS

Section A and B

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Six judges	\$ 42,000.00	\$ 42,000.00
Three stenographers	4,500.00	4,500.00
Porter	720.00	720.00
Record books, rental and purchase of law books, stationery, furniture, telephone, postage, and contingent expenses	1,500.00	1,500.00
Total	\$ 48,720.00	\$ 48,720.00

COURT OF CRIMINAL APPEALS

Austin

	For the Years Ending	
	August 31, 1928	August 31, 1929
Salaries of:		
Three judges	\$ 24,000.00	\$ 24,000.00
Clerk	3,000.00	3,000.00
Bailiff and secretary	2,400.00	2,400.00
Two secretaries	4,800.00	4,800.00
Court reporter	4,000.00	4,000.00
Porter	720.00	720.00
Postage and box rent	250.00	250.00
Law books	500.00	500.00
Record books and stationery	800.00	800.00
Contingent expenses	200.00	200.00
Furniture, file cases and pictures of deceased judges	300.00	300.00
Telephones	200.00	200.00
Filing envelopes	500.00	-----
Typewriters	250.00	-----
Total	\$ 41,920.00	\$ 41,170.00

STATE'S ATTORNEY BEFORE COURT OF CRIMINAL APPEALS

	For the Years Ending	
	August 31, 1928	August 31, 1929
State's attorney	\$ 3,600.00	\$ 3,600.00
Law clerk and stenographer	1,800.00	1,800.00
Law books	100.00	100.00

	For the Years Ending	
	August 31, 1928	August 31, 1929
Telephone, postage, box rent and contingent expenses	185.00	185.00
Furniture and book cases	100.00	100.00
Total	\$ 5,785.00	\$ 5,785.00

COMMISSION OF APPEALS
To Aid Court of Criminal Appeals

	For the Years Ending	
	August 31, 1928	August 31, 1929
Two Commissioners	\$ 14,000.00	\$ 14,000.00
Stenographers, two	3,600.00	3,600.00
Law books	250.00	250.00
Telephones	120.00	120.00
Furniture and contingent expenses	150.00	150.00
Total	\$ 18,120.00	\$ 18,120.00

JUDICIARY COMPTROLLER'S DEPARTMENT

	For the Years Ending	
	August 31, 1928	August 31, 1929
One hundred and three District judges	\$ 515,000.00	\$ 515,000.00
Forty-nine District Attorneys	24,500.00	24,500.00
Expenses of Judges and District Attorneys, as allowed by Thirty-eighth Legislature, payable in quarterly installments	45,000.00	45,000.00
Five Criminal District Attorneys	2,500.00	2,500.00
Assistant District Attorney in El Paso and Bexar Counties	2,500.00	2,500.00
Criminal District Judges (six) after January 1, 1928, seven	33,333.33	35,000.00
Expenses of attached witnesses and witness fees and mileage allowed witnesses in felony cases, who reside in counties other than the county in which the cause is being tried	300,000.00	300,000.00
Fees of County Attorneys, Justice of Peace, Sheriffs and Constables in examining trials	125,000.00	125,000.00
Fees and costs of sheriffs, attorneys and clerks in felony cases,	700,000.00	700,000.00
Fees, costs and per diem of forty-nine District Attorneys, 175 days at \$20.00 per day	171,500.00	171,500.00
To pay salary of special judges and expenses of District Judges for holding court out of their own counties	15,000.00	15,000.00
To pay Special Judges of Supreme Court, Courts of Civil Appeals, where disqualification of the regular judge exists, and special judges are appointed	5,000.00	5,000.00
To pay fees and costs of officials in cases of escheated estates, including cases on which such costs and fees have already accrued and are owing by the State	100.00	100.00
For the payment of transcript in cases where the court is required to and does appoint an attorney to represent the defendant in a criminal action, and where the official reporter is required and does furnish the		

	For the Years ending	
	August 31, 1928	August 31, 1929
attorney for the defendant (if convicted) with a transcript of his notes, as is pro- vided by law	2,500.00	2,500.00
To pay District Attorney and two assistants, El Paso District	12,300.00	12,300.00
To pay District Attorney, Thirtieth Judicial District, as per House Bill No. 98, Acts Regular Session Fortieth Legislature	2,500.00	2,500.00
Total	\$ 1,956,733.33	\$ 1,958,400.00

Provided, that the amounts herein appropriated for each item as herein stated, and no more, shall be paid out of the general revenue for the judiciary during the fiscal years beginning September 1, 1927, and ending August 31st, 1929, and no surplus shall be diverted from one account to another.

Provided that all accounts under this section, which require the approval of any District Judge, shall be examined by the Comptroller, and, if correct, he shall issue his warrant therefor, but if he shall find same incorrect, in whole or in part, he may within a reasonable time, cause an audit of same to be made before warrant is issued.

Provided that the Governor, in case of an extraordinary emergency may authorize a deficiency for such purpose or purposes which could not have been anticipated or provided for by the Legislature. All moneys appropriated by this Act shall remain in the State Treasury and be paid out only as it is expended, or as the necessity or emergency may require.

Provided, that it shall be the duty of the clerks of the various courts above mentioned, on the first Monday of July, October, January and April of each year, to make a report to the Comptroller, showing the amount of fees collected each quarter giving the number of cases, but not necessarily the style of case, together with the fees from other sources, stating in each instance the source.

Fees shall be fixed, charged and collected from book companies, litigants, and their attorneys, and all others, for all unofficial and certified copies of opinions of the court made or furnished by said court or the clerk, stenographers or other employees thereof, and fees shall be fixed, charged and collected for all other services rendered by said court, the clerk, stenographers or other employees to book companies, litigants and their attorneys and all others not now furnished or required to be furnished free of charge; and all of said fees and charges, when collected, shall be paid into the Treasury of the State of Texas.

Provided that each and every employee under the Act shall be paid by voucher, issued in his or her name; said voucher shall state the amount of salary or sum due, and for what services performed, with the date and time of such service, and no money or moneys shall be paid except upon presentation of said voucher or vouchers indorsed by the payee.

Sec. 2. The fact that the above and foregoing is one of the regular appropriation bills for the support of the Government for the two fiscal years beginning September 1, 1927, and ending August 31, 1929, creates a necessity for the expediting of the passage of this appropriation bill, and, therefore, creates an emergency and an imperative public necessity which demands that the rule requiring bills to be read on three several days be suspended, and that this bill become effective from and after its passage, and it is so enacted.

RECAPITULATION.

	For the Years Ending	
	August 31, 1928	August 31, 1929
Court of Appeals, First District	\$ 29,670.00	\$ 29,570.00
Court of Civil Appeals, Second District	30,576.00	29,470.00
Court of Civil Appeals, Third District	30,170.00	28,920.00
Court of Civil Appeals, Fourth District	29,070.00	29,070.00

	For the Years ending	
	August 31,	August 31,
	1928	1929
Court of Civil Appeals, Fifth District	29,170.00	29,170.00
Court of Civil Appeals, Sixth District	29,920.00	29,920.00
Court of Civil Appeals, Seventh District	29,220.00	29,220.00
Court of Civil Appeals, Eighth District	29,670.00	29,420.00
Court of Civil Appeals, Ninth District	29,020.00	28,820.00
Court of Civil Appeals, Tenth District	29,870.00	29,870.00
Court of Civil Appeals, Eleventh District	29,720.00	29,220.00
Supreme Court	45,140.00	43,140.00
Commission of Appeals, Sections A and B	48,720.00	48,720.00
Court of Criminal Appeals	41,920.00	41,170.00
State's Attorney before Court of Criminal Appeals	5,785.00	5,785.00
Commission of Appeals, to aid Court of Criminal Appeals	18,120.00	18,120.00
Judiciary, Comptroller's Department	1,956,733.33	1,958,400.00
Grand Totals	\$ 2,442,494.33	\$ 2,438,005.00
Grand Total for biennium	\$4,880,499.33	

BAILEY,
WOOD,
WIRTZ,
MILLER,
LEWIS

On the part of the Senate.

TEER,
FLY,
STOREY,

On the part of the House.

The report was read and adopted by the following vote:

Yeas—29.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Hardin.	Ward.
Holbrook.	Westbrook.
Lewis.	Wirtz.
Love.	Witt.
McFarlane.	Wood.
Miller.	Woodward.
Moore.	

Absent.

Price. Smith.

House Bill No. 7.

Senator Greer sent up the following amendment:

By Senator Greer:

Amend H. B. No. 7 as substituted by striking out the words and figures one million dollars wherever they appear and inserting in lieu thereof one million five hundred thousand dollars.

The amendment was read.

Senator Love sent up the following substitute for the amendment:

By Senator Love:

Amend H. B. No. 7 by striking out all after the enacting clause and inserting the following:

Section 1. For the purpose of promoting and aiding all the public schools of this State, there is hereby appropriated out of the General Revenue Fund in the State Treasury for the two-year period beginning September 1, 1927, and ending August 31, 1929, the following amounts:

For the year beginning September 1, 1927, and ending August 31, 1928, an amount sufficient when added to the State available school fund to make such fund sufficient to amount to fifteen dollars per capita of the scholastic population as ascertained and determined according to the latest scholastic census taken under the laws of this State prior to August 31, 1927, not exceeding \$500,000.00.

For the year beginning September 1, 1928, and ending August 31, 1929, an amount sufficient when added to the State available school fund to make such fund sufficient to amount to fifteen dollars per

capita of the scholastic population as ascertained and determined according to the latest scholastic census taken under the laws of this State prior to September 1, 1928, not exceeding \$500,000.00.

The said moneys herein appropriated as needed shall be added to the State's available school fund on order of the State Superintendent of Public Instruction and shall be distributed in accordance with the provisions of the laws of this State governing and relating to the distribution and apportionment of the State's available school fund.

The substitute was read.

Senator Wood moved to table the substitute.

The motion to table prevailed by the following vote:

Yeas—19.

Bailey.	Real.
Berkeley.	Russek.
Bledsoe.	Stuart.
Bowers.	Triplett.
Floyd.	Ward.
Holbrook.	Wirtz.
Lewis.	Witt.
Miller.	Wood.
Moore.	Woodward.
Parr.	

Nays—7.

Fairchild.	Price.
Greer.	Reid.
McFarlane.	Westbrook.
Neal.	

Absent.

Hardin.	Smith.
Pollard.	

(Pairs Recorded.)

Senator Hall (present), who would vote yea with Senator Love (absent), who would vote nay.

Senator Wood moved to table the amendment by Senator Greer.

The motion to table prevailed by the following vote:

Yeas—20.

Bailey.	Parr.
Berkeley.	Real.
Bledsoe.	Russek.
Bowers.	Stuart.
Floyd.	Triplett.
Hall.	Ward.
Holbrook.	Wirtz.
Lewis.	Witt.
Miller.	Wood.
Moore.	Woodward.

Nays—9.

Fairchild.	Pollard.
Greer.	Price.
Love.	Reid.
McFarlane.	Westbrook.
Neal.	

Absent.

Hardin.	Smith.
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The bill was passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 7 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Smith.
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The bill was read third time and passed finally, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.	Smith.
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Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger

from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 26, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all ablebodied male citizens of Wilson county who are between the ages of twenty-one and forty-five years; providing the maner of assessment and collection of said tax, and repealing all laws in conflict therewith, and declaring an emergency."

H. B. No. 37, A bill to be entitled "An Act to diminish the civil and criminal jurisdiction of the county court of Bowie County, Texas, and conform the jurisdiction of the district courts of such county to such change."

H. B. No. 45, A bill to be entitled "An Act creating a more efficient road system for Robertson county, Texas; providing that the commissioners' court shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the roads, teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners' court shall co-operate with the State Highway Department in the establishment construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Robertson county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and levy a tax in payment thereof, and delaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

As amended:

S. B. No. 5, A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain educational institutions and other expenses of maintaining and conducting them as follows, to-wit: The Agricultural and Mechanical College, of Texas, State Experimental Stations; the North Texas Junior Agricultural College; John Tarleton Agricultural College; Prairie View State Normal and Industrial College; the University of Texas, including the Medical Branch at Galveston, and the College of Mines and Metallurgy at El Paso; College of Industrial Arts; Texas Technological College; East Texas State Teachers College at Commerce; North Texas State Teachers College at Denton; Sam Houston State Teachers College at Huntsville; Stephen F. Austin State Teachers College; South Texas State Teachers College; Southwest Texas State Teachers College; Sul Ross College; West Texas Teachers College; Texas School for the Blind and School for the Deaf; for years beginning September 1, 1927, and ending August 31, 1929, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House grants the request of the Senate for a Free Conference on S. B. No. 16, and the following committee is appointed on the part of the House:

Teer, Cox, Foster, Hall, Smyth.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 2, A bill to be entitled "An Act making appropriations for the support and maintenance of the

State government for the fiscal years ending August 31, 1928, and August 31, 1929, and declaring an emergency."

H. B. No. 16, A bill to be entitled "An Act to provide for the eradication of scabies among sheep and cattle; to provide adequate quarantine and sanitary measures; to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation of quarantine and dipping orders of the Live Stock Sanitary Commission, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

With amendments:

S. B. No. 7, A bill to be entitled "An Act making an appropriation for the year ending August 31, 1928, and for the year ending August 31, 1929, the same or so much thereof as may be necessary to be for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all school children of scholastic age living in small and financially weak districts; etc., and declaring an emergency."

H. B. No. 9, A bill to be entitled "An Act appropriating one and a half million (\$1,500,000) dollars per year, or so much thereof as may be necessary, for the next two fiscal years, for the purpose of promoting rural school education and equalizing the school opportunities afforded by the State to all children of scholastic age living in small and financially weak districts, allowing the State Board of Education and the State Superintendent of Public Instruction to aid such schools in accordance with conditions herein specified, providing certain prerequisites for the granting of such aid; providing for the maintenance of all rural schools which meet the requirements a term not exceeding six months solely out of State and county school funds; providing aid for schools where extraordinary condi-

tions prevent schools meeting all stated requirements; providing limited equipment for rural schools that will afford instruction and demonstration in home and farm vocations; providing assistance in the formation and maintenance of rural high school districts according to a countrywide plan; providing for the administration of this fund by the State Department of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this Act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Bills Referred.

After their captions were read, the Chair referred the following bills:

H. B. No. 26, referred to Committee on Highways and Motor Vehicles.

H. B. No. 37, referred to Committee on Judicial Districts.

H. B. No. 45, referred to Committee on Highways and Motor Vehicles.

Senate Bill No. 12.

On the motion of Senator Love, the Senate concurred in the House amendments to S. B. No. 12, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Reid.
Fairchild.	Real.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.

Absent—Excused.

Smith.

Senate Bill No. 17.

The Chair laid before the Senate, on the calendar the following bill:

S. B. No. 17. A bill to be entitled "An Act amending Articles 6663 to 6674 both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas; providing for a State Highway Commission to be composed of nine members, one of such members to be appointed from each of nine different districts of the State described in the Act; providing the manner of their appointment, their term of office, compensation, bond, oath of office and duties; providing for a chairman of said Commission and fixing his compensation and requiring that he shall reside in Travis County during his tenure of office and devote his entire time to the duties of his office; providing for the appointment of district engineers and subordinate engineers; providing for a State Highway Engineer; providing for meetings of the Commission and for rules and regulations for the conduct of the work of the State Highway Department; providing for the collection of information and statistics in reference to the public roads; providing for co-operation with cities and towns in connection with highways through such cities and towns and regulating the construction of highways through the same; providing for engineers and the rules and regulations necessary in connection with same; providing for a complete road map and a comprehensive plan for State highways; enacting necessary provisions in reference to funds appropriated by the Federal government in connection with roads in this State and in reference to the taking over and maintenance of various State highways in Texas; providing for vacancies to be filled by the Governor occurring on the State Highway Commission; making better provision for a Highway Department and for the improvement of highways in this State; enacting all things necessary and incidental to the main purpose and subject of this Act whether mentioned in detail in this caption or not; enacting the necessary provisions to give counties a voice in road matters wherever such counties furnish

moneys in connection with road work on State designated highways; and declaring an emergency."

The bill was read second time.

The committee report carrying amendments was read.

Senator McFarlane moved to table the first committee amendment.

The motion to table was lost by the following vote:

Yeas—14.

Bledsoe.	Neal.
Bowers.	Pollard.
Greer.	Price.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Wood.
McFarlane.	Woodward.

Nays—15.

Bailey.	Real.
Berkeley.	Reid.
Fairchild.	Russek.
Floyd.	Stuart.
Hardin.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Parr.	

Absent.

Moore.	Smith.
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On the motion of Senator Price, S. B. No. 17 was made a special order for this afternoon at 2:00 o'clock p. m.

Senate Bill No. 42.

The Chair laid before the Senate on the calendar, the following bill:

S. B. No. 42. A bill to be entitled "An Act relating to free textbooks for the public free schools of this State; amending Sections 30, 31, 33, 34 and 39, and repealing Sections 40 and 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free textbooks used in the public free schools of this State; etc., and declaring an emergency."

The bill was read first time.

Recess.

The Senate at 12:00 noon, on the motion of Senator Moore recessed until this afternoon at 2:00 o'clock p. m.

After Recess.

The Senate was called to order by Lieutenant Governor Barry Miller

at 2:00 o'clock p. m. pursuant to recess.

Senate Bill No. 17.

The question recurred on S. B. No. 17.

The committee amendments were adopted.

Senator Stuart sent up the following amendment.

By Senator Stuart:

Amend Senate Bill No. 17, Section 16, by striking out of line 3 of said Section of the Bill as printed in the Journal the word "commission" and inserting in lieu thereof the words "State Highway Engineer."

The amendment was read and adopted.

Senator Stuart sent up the following amendment:

By Senator Stuart:

Amend Senate Bill No. 17 by striking out of line 2 of the second paragraph of Section 3, the word twice and inserting in lieu thereof the word once.

The amendment was read and adopted.

Senator McFarlane sent up the following amendment to the bill:

By Senator McFarlane:

Amend Senate Bill No. 17 by striking out all after the enacting clause and inserting the following:

Section 1. The State of Texas is hereby divided into three Districts to be known and designated as State Highway Districts.

Section 2. State Highway District No. 1 shall be composed of that part of the State of Texas composing the following counties: Bowie, Red River, Lamar, Fannin, Grayson, Cooke, Montague, Wise, Denton, Collin, Hunt, Hopkins, Delta, Franklin, Titus, Morris, Cass, Camp, Parker, Tarrant, Dallas, Rockwall, Kaufman, Van Zandt, Rains, Wood, Upshur, Marion, Harrison, Somervell, Hood, Johnson, Ellis, Henderson, Smith, Gregg, Bosque, Hill, Navarro, Anderson, Cherokee, Rusk, Panola, Coryell, McLennan, Limestone, Freestone, Nacogdoches, Shelby, Lampasas, Bell, Falls, Robertson, Leon, Houston, Angelina, San Augustine, Sabine, Newton, Jasper, Tyler, Polk, Trinity, Madison, Brazos, Grimes, Walker, San Jacinto, Montgomery, Waller, Harris, Liberty, Hardin, Orange, Jefferson, Chambers, Fort Bend, Brazoria and Galveston.

Section 3. State Highway District No. 2 shall be composed of that part of the State of Texas composing the following counties: Williamson, Milam, Burnet, Blanco, Travis, Bastrop, Lee, Burleson, Washington, Austin, Fayette, Caldwell, Hays, Comal, Guadalupe, Gonzales, Lavaca, Colorado, Wharton, Matagorda, Jackson, Dewitt, Wilson, Bexar, Kendall, Calhoun, Victoria, Goliad, Karnes, Atascosa, McMullen, Live Oak, Bee, Refugio, Aransas, San Patricio, Nueces, Kleberg, Jim Wells, Willacy, Cameron, Hidalgo, Starr, Brooks, Jim Hogg, Zapata, Duval, Webb, LaSalle, Frio, Medina, Uvalde, Zavalla, Dimmit, Kinney and Maverick.

Section 4. State Highway District No. 3 shall be composed of all that part of the State of Texas not included in either State Highway District No. 1 or State Highway District No. 2.

Section 5. The Highway Commission shall be composed of three members, who shall be elected one from each of the above Highway Districts as vacancies occur in the present Commission either due to expiration of their term of office or for any other reason. The term of office of each Highway Commissioner shall be six years and one Highway Commissioner shall be elected every two years. At the first meeting of said Commission in 1929, and thereafter as necessary, they shall elect from their number one member who shall serve as chairman of the Commission. In case of vacancy in said office, the Governor of the State shall fill said vacancy by appointment until the next general election.

Section 6. The Commission shall hold regular meetings once each month and shall remain in session until all business is disposed of. They shall formulate plans and policies for the location, construction and maintenance of a comprehensive system of state highways and public roads. They shall annually submit a report of their work to the Governor with their recommendations and those of the State Highway Engineer.

Section 7. Each member of said Commission shall execute a bond in the sum of \$10,000.00, payable to the State of Texas, conditioned for the faithful performance of duties of his office, which bond shall be ap-

proved by the Governor and filed in the office of the Secretary of State, the premium on said bond to be paid out of the State Highway Fund. The members of said Commission shall receive a salary of \$5,000.00 per year, payable monthly. Each member shall be a resident citizen of his District for five years next preceding his election and qualified voter under the Constitution and laws of this State. No member shall be directly or indirectly interested in any road construction company or any kind of company of any nature whatsoever that has any kind of dealings with the Highway Commission. Should any Commissioner be so interested in any company that has dealings with the Highway Commission at the time of his election, he shall within a reasonable time divest himself of any such interests; failing to do this his office shall immediately become vacant, and should any member become so interested, his office shall immediately become vacant and it shall become the duty of the Attorney General's Department to file proceedings to declare said office vacant. No Highway Commissioner shall hold any other office of any character while such Commissioner, nor engage in any other occupation or business.

Section 8. Before entering upon the duties of his office, each Commissioner shall take and subscribe to the official oath and shall in addition thereto swear that he is not directly or indirectly interested in any road construction company, in any kind of sales company, manufacturing company or any kind or character of company of any nature whatsoever that has dealings with the Highway Commission, and that he will to the best of his ability faithfully and justly execute and perform the duties of said office in accordance with the laws of this State, which oath shall be filed with the Secretary of State.

Section 9. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Section 10. Should any section, paragraph, sentence or part of a sentence be declared unconstitutional by the Supreme Court of this State, such decision shall not affect the validity of the remaining sections of this Act.

Section 11. The fact that it is to

the best interest of the people of this State to elect officials who are charged with the duty of spending the large amounts of State highway funds necessary to be expended in this State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Love sent up the following substitute for the amendment by Senator McFarlane:

By Senators Woodward, Love, Ward:

Amend Senate Bill No. 17, by striking out all after the enacting clause, and inserting in lieu thereof, the following:

Section 1. That Article 6663 of the Revised Civil Statutes of 1925 relating to State Highway Department be amended so as to hereafter read as follows:

The Administrative control of the State Highway Department hereinafter called "the Department" shall be vested in the State Highway Commission hereinafter called "The Commission"; said Department shall have its office at Austin, Texas, where its records shall be kept.

Sec. 2. Article 6664 of the Revised Civil Statutes of 1925 relating to State Highway Commission, shall be amended so as to hereafter read as follows:

The Commission shall consist of three citizens of the State of Texas who shall have resided in Texas for at least five years next before their appointment. With the advice and consent of the Senate the Governor shall biennially appoint one member to serve for a term of six years. Said three members, when so appointed shall elect one of their members as Chairman, who shall execute a bond payable to the Governor of the State of Texas, and his successor in office, in the sum of \$10,000.00, to be approved by the Governor, and conditioned upon the faithful performance of his duties of office, to be filed in the office of the Secretary of State. The premium on such bond shall be paid by the State out of the State Highway

funds, and he shall also take the oath of office as prescribed by the Constitution of the State of Texas.

Said three members shall also elect one of their number; who may or may not be the chairman, to be the Resident Member of the Commission, who shall devote his entire time to the work of the State Highway Department. Such election of a chairman and of a Resident Commissioner shall be without term and subject to the pleasure of the Commission.

Sec. 3. That Article 6665 of the Revised Civil Statutes of 1925 relating to the organization of State Highway Commission be amended so as to hereafter read as follows:

The Commission shall hold regular meetings twice each month; each member shall attend the same and such special or called meetings as they may provide or that the Chairman may call; they shall formulate plans and policies for the location, construction and maintenance of a comprehensive State Highway System; they shall bi-ennially submit a report of their work to the Governor and the Legislature with their recommendations and those of the State Highway Engineer's. A quarterly statement containing an itemized bill of all monies received and from what sources, and all monies paid out and for what purposes, shall be prepared and filed in the records of the Department and a copy thereof sent to the Governor; these records shall be open for public inspection.

Sec. 4. That Article 6666 of the Revised Civil Statutes of 1925 relating to the rules of the State Highway Commission be amended so as to hereafter read as follows:

The Commission shall establish and make public proclamation of all rules and regulations for the conduct of the work of the Department as may be deemed necessary, not inconsistent with the provisions of law; they shall maintain a record of all proceedings and official orders and keep on file copies of all road plans, specifications and estimates prepared by the Department or under its direction, and such copies shall be open to public inspection.

Sec. 5. Article 6667 of the Revised Civil Statutes relating to aid to officials be amended so as to hereafter read as follows:

The Department shall collect information and compile statistics relative to mileage, character and condition of the public roads in the different counties, and the cost of construction of the different classes of roads in the various counties. It shall investigate and determine the methods of road construction best adapted to the different sections of the State, and shall establish standards for the construction and maintenance of highways, bridges and ferries, giving due regard to all natural conditions, and to the character and adaptability of road building material in the different counties and the cost thereof. The Department may at all reasonable times be consulted by county or city officials for any information or assistance it can render with reference to highways within such counties or cities, and it shall supply such information, if called for by city or county officials. Upon request of the commissioners' court of any county or the County Judge thereof, the Department shall consider and advise concerning general plans and specifications for all road construction to be undertaken from the proceeds of the sale of bonds or other legal obligation issued by a county or by any subdivision or defined district or county.

Sec. 6. The State Highway Commission shall be authorized and it shall be the duty of the Commission to cooperate with all cities and towns in the construction of highways through such cities and towns; it shall be its duty to pay its proportionate part of the construction of such highways through cities and towns in proportion to the amount that is expended by the State upon the construction of such highways in the county adjoining such cities or towns.

Sec. 7. That Article 6669 of the Revised Civil Statutes of 1925 relating to State Highway Engineer be amended so as to hereafter read as follows:

The Commission shall elect the State Highway Engineer who shall be a competent civil engineer, a graduate of some first class school of civil engineering and who shall be skilled and experienced in Highway construction and maintenance and who shall have been engaged in highway engineering work for a

period of five years; who shall hold his position without term until removed by the Commission, or shall have resigned of his own volition; provided; that the State Highway Engineer who holds that position at the time this Act takes effect, may continue in office subject to the pleasure of the State Highway Commission, as provided in this Section.

The State Highway Engineer shall execute a bond payable to the State in such sum as the Commission may determine, to be approved by the Commission and filed in the office of the Secretary of State, conditioned upon the faithful performance of his duties; the premium on said bond shall be paid out of the State Highway funds; he shall devote his entire time to the duties of his office and shall act with the Commission in an advisory capacity without vote, and shall quarterly and biennially and annually submit to the Commission a detailed report of the progress of public road construction and an itemized statement of expenditures; he shall be allowed all actual traveling and other expenses under the direction of the Commission while absent from Austin in the performance of the duties of his office.

Sec. 8. That Article 6670 of the Revised Civil Statutes of 1925 relating to State road map be amended so as to hereafter read as follows:

The Highway Engineer shall cause to be made and kept in form convenient for examination in the office of the Department, a complete road map of the State, and especially of the designated highways of the State as represented in the road construction of various counties, and such map shall be regularly revised as construction proceeds in the different counties. He shall prepare, under the direction and with the approval of the Commission, a comprehensive plan providing a system of State Highways, including therein all of the designated highways of the State of Texas that have heretofore been designated or that may be designated hereafter.

Sec. 9. That Article 6671 of the Revised Civil Statutes of 1925 relating to laboratories and research be amended so as to hereafter read as follows:

The laboratories maintained at the

Agricultural and Mechanical College of Texas, and at the University of Texas shall be at the disposal of the State Highway Engineer for the purpose of testing and analyzing road and bridge material, and those in charge of such laboratories shall cooperate with and assist said Engineer to that end.

Sec. 10. That Article 6672 of the Revised Civil Statutes of 1925 relating to Federal aid, be amended so as to hereafter read as follows:

Any funds for public road construction in this State appropriated by the Federal Government shall be expended by and under the supervision of the Department only upon the part of the system of State Highways designated as Federal aid roads and approved by the United States Bureau of Public Roads.

Sec. 11. That Article 6673 of the Revised Civil Statutes of 1925 relating to control of highways be amended so as to hereafter read as follows:

The Commission is authorized to take over and maintain the various State highways in Texas, and the counties through which such highways shall pass shall be free from any cost, expense of supervision of such highways. The Commission shall use such proportion of the automobile registration fees as may be apportioned to it, if any, by the Legislature, for the maintenance of such highways, and shall not divert the same to any other use unless the Commission shall be without sufficient funds from other sources to meet Federal aid in road construction work in Texas, and in such case, only by resolution of the Commission, stating the amount of such transfer, and that the same is to be used to match Federal Aid.

Sec. 12. That Article 6674 of the Revised Civil Statutes of 1925, relating to operating expenses of the Highway Commission be amended to hereafter read as follows:

The Legislature shall make appropriations for the maintenance and running expenses of the Department, fixing the compensation of the State Highway Engineer and all other employees of the Department.

The compensation of the Resident Member of the State Highway Commission shall be \$7,500.00 per annum payable monthly, and the members other than the Resident Mem-

ber shall be paid \$2,500.00 per annum, and his expenses attending meetings of the Commission including actual traveling expenses in going to and from Austin and in traveling over the State in the supervision of the Highways thereof, to be approved by the Highway Commission, and paid out of the funds thereof, payable monthly. The Board of Control shall make contracts for equipment and supplies, including seals and number plates required by law in administration of the registration of licensed vehicles, and in the operation of said Department. The money herein authorized to be appropriated for the operation of the Department and the purchase of equipment shall be paid from the State Highway fund, and the remainder of said fund shall be expended by the Commission for the furtherance of public road construction and maintenance and the establishment of a system of State Highways as herein provided.

Sec. 13. The Chairman of the State Highway Commission when selected, shall give a bond and take the oath as provided in Section 2 of this Act, and each of other said members shall give a bond in the sum of five thousand (\$5,000.00) dollars, payable to the Governor of the State of Texas and his successors in office, to be approved by the Governor, conditioned upon the faithful performance of the duties of his office, and shall also take oath provided by the Constitution for State officers.

(That the Resident Member of the Highway Commission, during his tenure of office, shall reside in Travis County, Texas, and shall devote his entire time and attention to the duties of his office.)

The State of Texas shall be divided by the State Highway Commission into such number of Highway Districts as may be deemed advisable and the number and boundaries of such districts may be changed from time to time.

Sec. 14. That any vacancy occurring on the State Highway Commission shall be filled by the Governor, to be confirmed by the Senate when convened, as now provided by law, and such successor shall have the same duties and authority as his predecessor had during the term for which he is appointed.

Sec. 15. The State Highway Commission shall appoint a District Highway Engineer, for each Highway District, who shall work under its supervision and shall devote his entire time to the highway work in the district from which he is appointed, such engineer shall be a competent civil engineer and a graduate of some first class school of engineering; he shall have practiced his profession for not less than five years and shall be experienced and skilled in highway construction and maintenance; he shall hold his position without term until removed by the Commission or shall have resigned of his own volition; he shall execute a bond payable to the State in such sum as the Commission may determine, to be approved by the Commission and filed in the office of the Secretary of State, conditioned upon the faithful performance of his duties, the premium on such bond shall be paid by the State out of the State Highway funds; he shall act with the Commission in an advisory capacity but it shall be his duty to carry out the instructions, plans and policies of the Commission of his district; he shall quarterly, annually and biennially submit to the Commission a detailed report of the progress of highway construction in his district.

Sec. 16. Each District Engineer shall receive as compensation for his services such salary as may be fixed by the Commission, payable monthly, out of the funds of the Highway Department. Each District Engineer shall select subordinate engineers serving under him, subject to confirmation by the State Highway Commission.

Sec. 17. The State Highway Commissioners who shall be in office when this Act shall take effect shall continue in office until their present tenures shall expire respectively, whereupon their successors, respectively, shall be appointed as provided in Section 2 of this Act.

Sec. 18. It shall be unlawful for any person, firm, corporation, or association of persons either with or without permission of the Commission, to place on a public road, or public road right of way in this State forming a part of the State System of Highways, any sign or advertising matter of any kind, and the owner or person in charge of any

such sign or advertising matter heretofore placed on any such road or road right of way shall remove the same within thirty days after this Act takes effect. Any person violating this section shall on conviction be fined not less than twenty-five dollars nor more than two hundred dollars, or confined in jail not to exceed thirty days, or both such fine and imprisonment. As a cumulative remedy, the State Highway Commission shall have authority to remove any such sign or advertising matter from such road or road right of way and if necessary shall have authority to institute any appropriate judicial proceedings to enforce this section. Provided, that this Act shall not prevent the placing of or require the removal of, signs on any such roads under permission of the State Highway Commission by any charitable organization for the purpose of purely public charity and not for private profit. Provided further, that if any person, firm, corporation, or association has a valid contract heretofore entered into for the placing of signs on any public road, the Commission may in its discretion require the discontinuance of such contract and make remunerations accordingly, or permit the carrying out of any such existing contract.

Sec. 19. It shall be the duty of the Commission to erect signs and markers along the State Highway System for the convenience of the traveling public, but no advertising matter shall ever be placed or permitted to be placed either on said signs and markers or on said highways except as expressly permitted by law. As a part of the maintenance of State Highways, the State Highway Commission shall cause to be erected and maintained at each end of each bridge on such highways, crossing a river or creek, a readable sign giving the name of such river or creek.

Sec. 20. It shall be the duty of the Highway Commission to have removed from all public Highways of the State all dead animals, garbage, junk or debris, including tin cans, glass ware, old iron or other unsightly or refuse articles. It shall be unlawful for any person to place or leave upon any public highway, or upon any part thereof any such dead animals, garbage, junk or debris, tin

cans, old iron, glass or other similar things, or any unsightly or refuse articles and any person violating this provision shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than ten dollars nor more than one hundred dollars.

Sec. 21. No pipe line for oil, gas water or other fluid, and no telegraph or telephone line, shall be constructed on or across any public road in this State without the permission of the State Highway Commission if the road is a State Designated Highway. In event such permission is given the construction shall be under the supervision and control of the State Highway Commission. The State Highway Commission is hereby granted authority to institute the necessary suits and proceedings to protect its rights and authority over the roads under their authority and to prevent any violation of this Act and for damages incurred for violation of this Act or to restore the road to its proper condition.

Sec. 22. It shall be the duty of the Commission to take immediate steps to eliminate railroad grade crossings by any means at its command, and particularly by changing routes of roads so as to avoid and discontinue crossing railroad tracks, and the Commission shall make a report to the Governor every six months showing how many grade crossings have been eliminated and the progress that has been made in that direction. It shall employ some person to have charge of this work particularly and gather information and make recommendations to the Commission.

Sec. 23. If any section, clause, requirement, provision or part of this Act shall for any reason be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not invalidate the remainder of this Act, but shall be confined in its operation to the section, clause, requirement provision or part thereof declared to be invalid.

Sec. 24. That this Act shall be cumulative of all other laws relating to the State Highway Commission not in conflict herewith but wherein any conflict exists, this law shall be in effect, and such conflict in any existing law is hereby repealed.

Sec. 25. Where no federal aid is involved the Commission shall let and enter into all contracts for road and bridge construction on the State designated highways of this State and the bids therefor shall be opened and the contract let in the presence of such members of the commissioners' court in the county where the work is to be performed, or, if the project be partly in different counties, then of all of such counties, and such contract shall not be effective until approved by the commissioners' court of such county by an order entered upon the minutes of such court. Where federal aid is involved and the county furnishes any money in connection with the project, the contract shall be let at Austin but the county shall have a representative present at the opening of the bids and the letting of the contract, and before the work is commenced it shall be necessary for the commissioners' court to approve such contract. In all cases where a county furnishes part of the cost of improvement on State Designated Highways the county shall have a voice in the type of construction and the right to have the county's engineer approve the work before all payments of county moneys are made.

Sec. 26. The fact that it is highly desirable and necessary for the economical and efficient administration of the State Highway Department that some member of the State Highway Commission be enabled to devote his entire time to its work, and be available for advice and counsel at the State Highway Department at Austin at all times, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

The substitute was read.

Senator Bailey moved to postpone the consideration of the bill and amendments until tomorrow (Tuesday) at 2:00 o'clock p. m.

The motion was adopted.

House Bills Referred.

After their captions were read,

the Chair referred the following House Bills:

H. B. No. 2, referred to Committee on Finance.

H. B. No. 16, referred to Committee on Stock and Stock Raising.

Message From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor, with the following message:

Executive Department,

Austin, Texas, May 30, 1927.

To the Honorable Senate of Texas.
Gentlemen:

With your advice and consent, I desire to appoint, under the provisions of Article 5681, Revised Civil Statutes, 1925, Mr. George Sykes of Galveston, Texas, to be a public weigher for the city of Galveston, Texas. Article 5682, requiring endorsement by the Senator and a majority of the Representatives of the Senatorial District, has been complied with.

Respectfully submitted,

DAN MOODY,

Governor of Texas.

Senate Bill No. 7.

On the motion of Senator Wood, the Senate refused to concur in the House amendments in S. B. No. 7, and requested a conference.

The Chair appointed the following Free Conference Committee to act on the part of the Senate:

Wood, Moore, Love, Greer, Price.

House Bills Referred.

After their captions were read, the Chair referred the following bills:

H. B. No. 62, referred to Committee on Public Lands and Land Office; H. B. No. 9, referred to Committee on Finance.

House Bill No. 2.

Senator Wood received unanimous consent to take up, out of its order, the following bill:

S. B. No. 4, A bill to be entitled "An Act making appropriations for the State Government for two years beginning September 1, 1927, and ending August 31, 1929, and for other purposes and prescribing certain regulations and restrictions in respect thereto; and declaring an emergency."

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its second reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.

Absent—Excused.

Smith.

The bill was read second time.

The Senate rule requiring committee reports to lay over one day was suspended by unanimous consent.

The committee report carrying amendment was adopted.

The bill was passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 2 was put on its third reading and final passage, by the following vote:

Yeas—29.

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Stuart.
Hall.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.
Neal.	

Absent.

Hardin.

Absent—Excused.

Smith.

The bill was read third time and passed finally, by the following vote:

Yeas—30.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Absent—Excused.

Smith.

Message From the Governor.

The Chair recognized the door-keeper, who introduced a messenger from the Governor, with the following Executive Message:

Executive Department,

Austin, Texas, May 30, 1927.

To the Honorable Fortieth Legislature of the State of Texas.

Gentlemen:

At the request of certain of your members, I submit for your consideration the question of the passage of the attached bills.

Respectfully submitted,

DAN MOODY,
Governor of Texas.

S. B. No. —, A bill to be entitled "An Act to create Lamar-Delta County Levee Improvement District Number Two, in the Counties of Lamar and Delta, State of Texas; validating and approving all orders made by the commissioners' courts of said counties and of the Board of Supervisors of said District in respect to the organization and establishment thereof; validating, approving and ratifying all proceedings had by the commissioners' courts relative to the appointment of the Commissioners of Appraisalment of said District; validating, ratifying and approving all proceedings had by the Commissioners of Appraisalment of said District in respect of assessments of benefits and damages to lands to be affected by the carrying-out of the Plan of Reclama-

tion approved by the State Reclamation Engineer; validating the authorization, issuance and sale of certain improvement bonds of said District, and providing for their payment by the annual levy, assessment and collection of taxes on all taxable property in said Levee District; approving and validating all orders, resolutions or decrees of the commissioners' courts of said counties, the Board of Supervisors of said Levee District, and the Commissioners of Appraisement of said Levee District, in respect of the said District, its bonds and taxes, or certified copies thereof, and constituting such orders, resolutions and decrees legal evidence; evidencing proof of publication of constitutional notice; and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to authorize a fifty year lease to be issued to the town of Aransas Pass in Aransas and San Patricio Counties Ransom Island and its sand flats extension to the northeast and its sand flat extension to the southwest in Red Fish Bay situated in Nueces County, and that shallow portion of said bay between said Island and its extensions and the main land; authorizing the said town to improve or have said area improved for public park purposes and to police said area, reserving to the State all minerals, and the right to sell any and all shell; providing for forfeiture for failure to maintain and keep said area open to the public; and declaring an emergency."

—, B. No. —, A bill to be entitled "An Act amending Article 725, Revised Civil Statutes of 1925, authorizing the issuance of refunding bonds bearing the same or a lower rate of interest, in lieu of any valid outstanding bonds which have been issued under authority of Title 22 or Title 71, Revised Civil Statutes of 1925, or provisions of law which have been amended or superseded thereby, and adding Article 725b, validating all refunding bonds that have heretofore been issued and approved by the Attorney General for the purpose of refunding valid outstanding bonds of any of the counties of Texas; and declaring an emergency."

—, B. No. —, A bill to be entitled "An Act relating to the duties of the County Board of Education of coun-

ties with an area of more than eleven hundred square miles and a population of not less than forty thousand and not more than one hundred thousand, according to the 1920 Federal census; authorizing the appointment of the County Superintendent of Public Instruction, and his assistants, providing supervision, authorizing the nomination of teachers by the County Superintendent subject to confirmation by local trustees, authorizing the purchase of supplies by the District Trustees, subject to the confirmation of the county superintendent, providing for an Equalization Fund, repealing all laws, or parts of laws, general or special in conflict herewith; and declaring an emergency."

S. B. No. —, A bill to be entitled "An Act relating to insurance certificates or policies issued by fraternal benefit societies; providing that certain statements in connection therewith in the absence of fraud shall be deemed representations and not warranties; making such certificates or policies incontestible after two years from their date, except for certain reasons; prescribing the rule of law which shall prevail as to the liability of any such fraternal benefit society where it fails to pay a loss within sixty days after proof of death, and prescribing the penalty that shall result for such failure; prescribing the rule as to the amount payable where the insured mis-states his or her age; and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to amend Article 432, Chapter 6, of the Revised Civil Statutes of Texas of 1925, relating to reserve deposits in savings departments of state banks, and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act amending Article 1595 of the Revised Civil Statutes of 1925, relating to elections for the removal of County Seats; reducing the number of votes required to remove county seats in certain instances and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act fixing compensation for County Tax Assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes complies and makes a transfer book or card

index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act amending Section Eight of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Senate Bill No. 56, same being Chapter 35, of the General Laws of the regular session of the 40th Legislature, makes it unlawful for any person to kill, take or have in his possession for barter or sale, any wild beaver, wild otter, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to provide for increasing or diminishing the area of an Independent School District upon petition of qualified resident property tax paying voters, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to provide means and methods for the collection of delinquent and insolvent ad valorem taxes, penalties and interests thereon, and for the correction, completion and perfection of the tax assessment rolls and records of the State and Counties, and more fully to prescribe the duties of the Comptroller of Public Accounts and other State officers, tax collectors, tax assessors, district and county attorneys in reference thereto, and providing for compensation for those engaged by said Comptroller by contract for the more efficient accomplishment of said purposes, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act changing the wording of Article 2007 of the Revised Civil Statutes of 1925, as passed by the Regular Session of the 39th Legislature of the State of Texas, so that said Article 2007 shall be read as follows: A Plea of Privilege to be sued in the county of one's residence shall be sufficient if it be in writing and sworn to, and shall state that the party claiming such privilege was not, at the institution of such suit, nor at the time of the service of process thereon, nor at the time of the filing of the plea, a resident of the county in which such suit was

instituted, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas, 1925 so such article shall provide for the compiling of jury cards for the jury wheel in such counties of over one hundred fifty thousand population, placing such compiling under the supervision of the District Clerk and providing funds for employment of typists for compiling, and other expenses necessary."

H. B. No. —, A bill to be entitled "An Act validating the consolidation proceedings consolidating Rotan Independent School District and Cross Roads Common School District Number 29 of Fisher County and Hackberry Common School District Number 30 of Fisher County and a portion of Avelon Common School District Number 3 of Fisher County, including petitions, orders, notices, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act providing for the filing by the county, district or criminal district attorney of a brief in all cases appealed to the Court of Criminal Appeals, and providing that no fees shall be collected by the county, district or criminal district attorney trying such cases unless said brief is filed, and providing for a deduction from the per diem of district attorneys whose compensation is fixed upon a per diem basis for each case tried by them and appealed to the Court of Criminal Appeals in which no memorandum brief is filed, etc., and declaring an emergency."

— B. No. —, A bill to be entitled "An Act to amend Articles 2922b, 2922h, and 2922i of Chapter 19A, Revised Civil Statutes, 1925, so as to authorize the issuance and sale of bonds by trustees of rural high school districts and to authorize the assumption by rural high school districts of the bonded or other valid indebtedness of included common or independent school districts, etc., and declaring an emergency."

H. B. No. —, A bill to be entitled "An Act to repeal Chapter 112 of the Acts of the Regular Session of the 39th Legislature, and restoring the old Cyclone Common School Dis-

trict No. 9 to its original status; and declaring an emergency."

H. B. No. —. A bill to be entitled "An Act to amend Article 2547, Chapter 2, Title 47, Revised Civil Statutes of 1925 and amendments thereto, which article provides for the execution of bonds for securing county deposits; providing for the manner in which such deposits may be secured and the amount of such bonds; etc., and declaring an emergency."

— B. No. —. A bill to be entitled "An Act to authorize the State Comptroller to join in behalf of the State in contracts for the collection of delinquent taxes under the provisions of Article 7335, Revised Statutes, 1925, and providing that the form of such contract shall be prepared by the Attorney General and that same shall not be valid without such joinder; repealing all laws and parts of laws in conflict and declaring an emergency."

— B. No. —. A bill to be entitled "An Act to amend Articles 961 and 966, of Chapter 1, Title 28, Revised Civil Statutes, of 1925, providing for the incorporation of cities and towns with a population of five hundred or more inhabitants, and for the acceptance by certain cities and towns of the provisions of Title 29, relating to cities and towns; enacting provisions incidental and necessary to the subject and purpose of this Act; and declaring an emergency."

H. B. No. —. A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Regular Session of the 40th Legislature, to permit the using of seines for the purpose of catching minnows for bait in the public fresh waters of Marion, Harrison, Smith and Rusk Counties, State of Texas; and declaring an emergency."

H. B. No. —. A bill to be entitled "An Act amending Section 5, of Chapter 136, of the Acts of the 39th Legislature of Texas, passed and approved March 28, 1925, so as to permit the owner of land to build a dam or reservoir on his land to impound or contain not to exceed two hundred and fifty acre feet of water without the necessity of securing a permit therefor."

— B. No. —. A bill to be entitled "An Act amending Article 4011, Revised Civil Statutes, 1925."

— B. No. —. A bill to be entitled "An Act amending Article 4629 of the Revised Civil Statutes of 1925, relating to divorces so as to make Subdivision 4 thereof read as follows: "Where a husband and wife have lived apart without co-habitation for as long as five years"; and declaring an emergency."

DAN MOODY.

Governor.

Executive Office,

May 30, 1927.

To the Honorable Fortieth Legislature of Texas.

Gentlemen:

The recodification of the Statutes of 1925 omitted the provisions relative to penalties for violation of the rules and orders of the Railroad Commission respecting the conservation of oil and gas. As a result, the Railroad Commission lacks authority to enforce its rules relative to the production and conservation of oil and gas. Therefore, I submit the following subjects for your consideration:

(1) The enactment of statutes to provide for such penalties omitted in the recodification of 1925.

(2) The enactment of statutes giving the Railroad Commission authority to prevent waste of oil and natural gas in the actual drilling and producing operations and in the active storage, piping, distribution and utilization thereof.

(3) The enactment of statutes giving the Railroad Commission the power to enforce reasonable rules governing the handling of dry or abandoned wells drilled for oil or gas to prevent the same from constituting a source of damage to the oil and gas strata.

(4) The enactment of statutes fixing the qualifications of supervisors and deputy supervisors working under the Railroad Commission and the Oil and Gas Division thereof.

(5) The enactment of a statute supplementing the bill passed by the Fortieth Legislature giving the Railroad Commission control over passenger transportation by motor car, so as to extend this authority to also include transportation of freight by motor carriage.

Respectfully submitted,

DAN MOODY.

Governor of Texas.

Senate Bill No. 42.

The Chair laid before the Senate, as a special order, the following bill:

S. B. No. 42, A bill to be entitled "An Act relating to free textbooks for the public free schools of this State; amending Sections 30, 31, 33, 34 and 39, and repealing Sections 40 and 41, of Chapter 176 of the General Laws of the Regular Session of the Thirty-ninth Legislature of this State; providing for the setting aside of funds for free textbooks used in the public free schools of this State; requiring reports as to the funds for said textbooks; providing for the distribution of the amount set aside for free textbooks direct to the schools using such books and the purchase of same by such schools themselves from the various textbook depositories or agencies, and providing that any free textbook moneys not so used by any such school shall become a part of its available school moneys and may be used by it for general school purposes; making the necessary changes in the statutes to accomplish the main purpose of this Act; and declaring an emergency."

The bill was ordered engrossed by the following vote:

Yeas—20.

Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Russek.
Hall	Triplett.
Hardin.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—9.

Berkeley.	McFarlane.
Bledsoe.	Price.
Greer.	Reid.
Holbrook.	Stuart.
Love.	

Absent.

Bailey.

Absent—Excused.

Smith.

On motion of Senator Witt, the constitutional rule requiring bills to

be read on three several days was suspended and S. B. No. 42 was put on its third reading and final passage, by the following vote:

Yeas—28.

Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Reid.
Greer.	Russek.
Hall	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Wood.
Moore.	Woodward.

Nays—1.

Price.

Absent.

Bailey.

Absent—Excused.

Smith.

The bill was read third time and passed finally, by the following vote:

Yeas—20.

Bowers.	Pollard.
Fairchild.	Real.
Floyd.	Russek.
Hall	Triplett.
Hardin.	Ward.
Lewis.	Westbrook.
Miller.	Wirtz.
Moore.	Witt.
Neal.	Wood.
Parr.	Woodward.

Nays—10.

Bailey.	Love.
Berkeley.	McFarlane.
Bledsoe.	Price.
Greer.	Reid.
Holbrook.	Stuart.

Absent—Excused.

Smith.

Senate Bill No. 44.

The Chair laid before the Senate on the calendar:

S. B. No. 44, A bill to be entitled "An Act making provision for the

continuance of teachers' certificates for one year where the holder of same takes and passes four subjects or courses at a summer school of a State Teachers' College or any other institution rated as first class by the State Department of Education, and defining the meaning of courses for the purpose of this Act; etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On the motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage, by the following vote:

Yeas—24.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Stuart.
Lewis.	Triplett.
Love.	Ward.
McFarlane.	Witt.
Miller.	Woodward.

Absent.

Hardin.	Westbrook.
Holbrook.	Wirtz.
Reid.	Wood.

Absent—Excused.

Smith.

The bill was read third time and passed finally.

Senate Bill No. 57.

The Chair laid before the Senate on the Calendar, the following bill:

S. B. No. 57, A bill to be entitled "An Act amending Article 5347 of the Revised Civil Statutes of 1925 so as to make proper disposition of certain funds mentioned therein and particularly certain funds that under present laws go to the game law, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Holbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 57 was put on its third reading and final passage, by the following vote:

Yeas—21.

Bailey.	Moore.
Berkeley.	Neal.
Bledsoe.	Parr.
Bowers.	Pollard.
Fairchild.	Price.
Hall.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Wirtz.
McFarlane.	Woodward.
Miller.	

Absent.

Floyd.	Russek.
Greer.	Westbrook.
Hardin.	Witt.
Real.	Wood.
Reid.	

Absent—Excused.

Smith.

The bill was read third time and passed finally, by the following vote:

Yeas—25.

Bailey.	Miller.
Berkeley.	Moore.
Bledsoe.	Neal.
Bowers.	Parr.
Fairchild.	Pollard.
Floyd.	Price.
Greer.	Russek.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Wood.
Love.	Woodward.
McFarlane.	

Absent.

Real.	Wirtz.
Reid.	Witt.
Westbrook.	

Absent—Excused.

Smith.

Adjournment.

The Senate, at 5:05 o'clock p. m., on the motion of Senator Bailey, adjourned until tomorrow (Tuesday) morning at 10:00 o'clock a. m.

APPENDIX.

Petitions and Memorials.

Executive Mansion,

Austin, Texas.

The members of the Senate of the Fortieth Legislature, and their ladies are cordially invited to attend

a Garden Party at the Executive Mansion, on Tuesday evening, May thirty-first, from eight until ten o'clock.

MRS. DAN MOODY.

Committee Reports.

Committee Room,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 7, A bill to be entitled "An Act to appropriate one million five hundred thousand dollars out of the general revenue, not otherwise appropriated, to supplement the State available school fund derived from all other sources for the support and maintenance of the public free schools of the State of Texas for the scholastic year beginning September 1, 1927, and ending August 31, 1928, and three million dollars, or so much thereof as may be necessary, to be appropriated for the same purpose for the scholastic year beginning September 1, 1928, and ending August 31, 1929, to enable the State Board of Education to declare a per capita apportionment of the State available school fund of fifteen dollars for each scholastic year of the biennium 1927-1929; providing for the transfer of these funds from the State Treasury into the available school fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, but the Senate Committee Substitute do pass and be not printed.

WOOD, Chairman.

Committee Room,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Roads, Bridges and Ferries, to whom was referred

S. B. No. 71, A bill to be entitled "An Act amending Section 1 as contained in Chapter 218 of the General Laws of the Regular Session of the 40th Legislature, further regulating arrests under motor vehicle speed laws of this State and designed to prevent unnecessary arrests under such laws; requiring uniform or

badges in making such arrests; prohibiting such arrests by the officer remaining in hiding or lying in wait; abolishing fees for making such arrests or serving warrants of arrests or officers witness fees or commitment fees for alleged violations of laws relative to such speeding; requiring prosecutions to be dismissed by district or county attorney where such arrests were made after hiding or lying in wait; prescribing the venue of prosecutions for such speeding; enacting all other things necessary and incidental to the main purpose of the Act; and declaring an emergency."

Have had the same under consideration and beg leave to report it back to the Senate with the recommendation that it do pass and be printed in the Journal, and not otherwise printed.

Floyd, Chairman; McFarlane, Love, Ward, Bailey, Moore.

By McFarlane.

S. B. No. 71.

A BILL

To Be Entitled

An Act amending Section 1 as contained in Chapter 218 of the General Laws of the Regular Session of the 40th Legislature, further regulating arrests under motor vehicle speed laws of this State and designed to prevent unnecessary arrests under such laws; requiring uniform or badges in making such arrests; prohibiting such arrests by the officer remaining in hiding or lying in wait; abolishing fees for making such arrests or serving warrants of arrests or officers' witness fees or commitment fees for alleged violation of laws relative to such speeding; requiring prosecutions to be dismissed by district or county attorney where such arrests were made after hiding or lying in wait; prescribing the venue of prosecutions for such speeding; enacting all other things necessary and incidental to the main purpose of the Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. No officer shall have authority to make any arrests for violation of the laws of this State relating to the speed of motor vehicles, unless he is at the time of such arrest wearing a uniform or

badge, clearly distinguishing him from ordinary civilians or private citizens, and shall have no authority to make any such arrests by designedly remaining in hiding or lying in wait unobserved in order to trap those suspected of violating the speed laws in reference to motor vehicles. No such officer, and no sheriff, constable, marshal, policeman, traffic officer, or other officer shall be entitled to any fee for making an arrest or serving a warrant of arrest or claim, demand or receive any witness fee or commitment fee for an alleged violation of any law of this State relative to such speeding. It shall be the duty of the district or county attorney, as the case may be, to dismiss any and all prosecutions wherein it is shown that the arrest was made by designedly remaining in hiding or lying in wait unobserved, in order to trap those suspected of violating such speed law, and this provision shall apply to such conduct by any highway officer, sheriff, deputy sheriff, constable, marshal, policeman or any other officer of this State, or political subdivision thereof. However, the Commissioners' Court of any county may if it so desires, establish traffic stations on public highways, where officers may return when not patrolling the road, by reason of motor trouble, bad weather or other reasons; which stations shall have signs thereon clearly distinguishing them as such, and any arrest made from such stations shall be valid. The venue of any prosecution for speeding of motor vehicles under State laws shall be in the Justice Precinct, wherein the offense was committed or in the precinct of the defendant's residence.

Sec. 2. All laws and parts of laws in conflict with this Act are hereby repealed.

Sec. 3. If any part of this Act shall be adjudged invalid by any court of competent jurisdiction, such judgment shall not effect, impair, or invalidate the remaining portions of this Act.

Sec. 4. The importance of this Act and the fact that there is great need for protection from officers who are setting speed traps and otherwise abusing their authority creates an emergency, and an imperative public necessity that the

constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room.

Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 73, A bill to be entitled "An Act to prohibit the killing of squirrels in Hardin County during the months of February 1st to October 15th inclusive; providing that during the other months of the year no one shall kill more than ten squirrels in any one day; prescribing a penalty for violation, and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 83, A bill to be entitled "An Act authorizing counties to pay taxes on school lands owned by such counties, pursuant to Section 6a of Article VII of the State Constitution recently adopted by the people; prescribing the funds out of which any such taxes may be paid; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

WIRTZ, Chairman.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 85, A bill to be entitled "An Act changing and fixing the terms and times of holding district court in the 72nd and the 99th Ju-

dicial Districts; enacting proper provisions relating to process issued, bonds and recognizances made and grand and petit juries drawn before this Act takes effect in said Judicial Districts; enacting provisions relating to the jurisdiction of the district courts in said districts in Lubbock County and providing for the transfer of cases in said county as between the district courts of said judicial districts; providing for all things necessary to be done in connection with any such cases so transferred, and enacting provisions relating to process and writs in any such transferred cases; providing all things necessary and incidental to the main subject and purpose of this Act whether mentioned in detail in this caption or not; declaring the rule of construction in event any part or provision of this Act should be held unconstitutional or invalid for any reason; providing for the holding of any term of court in session at the time this Act takes effect; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed in bill form or in the Journal.

PRICE, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 37, A bill to be entitled "An Act to diminish the Civil and Criminal Jurisdiction of the County Court of Bowie County, Texas, and conform the Jurisdiction of the District Courts of such County to such change."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 28, A bill to be entitled

"An Act creating Road District Number Two in Wheeler County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of Constitutional notice required in such Acts; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 39, A bill to be entitled "An Act to amend Chapter 97 as passed by the 39th Legislature creating a more efficient road system for Wood County; making the County Commissioners' ex-officio Road Supervisors for their respective precincts in said County; defining their powers and duties as such supervisors; providing for their compensation as such; providing for the working of hands on public roads who fail to pay the road tax provided for herein; providing that no hands shall be appointed to work on any highway maintained by the State of Texas; providing that hands subject to road duty may be apportioned to roads in the precinct of their residence, other than the public road nearest to them; providing for the work of county convicts upon the public road; providing for notice to be served upon hands subject to road duty, and penalty for violating such notice; providing for the collection and disbursement of certain moneys and the payment of fees for

service rendered in connection herewith by certain county officials; prohibiting the use of any of the property belonging to Wood County, to be used in its road work, for any private purpose, and fixing penalties for violation of this Act and penalties for the enforcement of the provisions of this Act; providing that if any provision of this Act is unconstitutional, void or unenforceable the remainder shall still remain in force and effect; declaring the provisions of this Act cumulative of all General Laws of the State of Texas upon this subject, and for the repeal of all special road laws heretofore enacted for Wood County, and parts thereof, when in conflict with any of the provisions of this Act, and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 29, A bill to be entitled "An Act creating Road District Number Three in Wheeler County Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of Road District, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of Constitutional notice required in such Acts; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 79, A bill to be entitled "An Act to create Road District Number One (1) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said county in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 80, A bill to be entitled "An Act to create Road District Number Two (2) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said county, in respect to the organization of said District; validating the authorization, issuance and sale of certain road bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such

orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 81, A bill to be entitled "An Act to create Road District Number Four (4) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said county, in respect to the organization of said District; validating the authorization, issuance and sale of certain Road Bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 82, A bill to be entitled "An Act to create Road District Number Five (5) in San Patricio County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said

District; validating the authorization, issuance and sale of certain Road Bonds thereof, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said road district; approving and validating all orders of the Commissioners' Court of said county in respect of said Road District, bonds and taxes, and certified copies thereof, and constituting such orders and certified copies thereof legal evidence; evidencing proof of publication of constitutional notice required in such acts; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 30, A bill to be entitled "An Act creating Road District Number Four in Wheeler County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes, or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of Constitutional notice required in such Acts; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 27, A bill to be entitled "An Act creating Road District Number One in Wheeler County, Texas, validating and approving all orders made by the Commissioners' Court of said County, in respect to the organization of said District; validating the authorization, issuance, and sale of certain road bonds thereof and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said Road District; approving and validating all orders of the Commissioners' Court of said County in respect of said Road District, bonds and taxes or certified copies thereof, and constituting such orders legal evidence; evidencing proof of publication of Constitutional notice required in such Acts; and declaring an emergency."

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

H. B. No. 2, A bill to be entitled "An Act making appropriation for the support and maintenance of the State Government for the two year period beginning September 1, 1927, and ending August 31, 1929, and for other purposes and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do not pass, but the Committee substitute bill do pass and be not printed.

WOOD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Stock and Stock Raising, to whom was referred

H. B. No. 16, A bill to be entitled "An Act to provide for the eradication of scabies among sheep and cattle, to provide adequate quarantine and sanitary measures, to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation of quarantine and dipping orders of the Livestock Sanitary Commission, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

PARR, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

H. B. No. 26, A bill to be entitled "An Act to levy and collect annually a three dollar road tax against all able-bodied male citizens of Wilson County, who are between the ages of twenty-one and forty-five years; providing the manner of assessment and collection of said tax, and repealing all laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 88, A bill to be entitled "An Act to create a court to be known as the County Court of Cameron County at Law; to define the jurisdiction of said court and making the jurisdiction concurrent with the jurisdiction of Justice Court in all causes Civil and Criminal; to fix the terms thereof; to provide a clerk to be appointed by the County Clerk of Cameron County and fix his salary to fix qualification, bond and salary, and provide for the appointment, election, or removal of the Judge

thereof; to provide for the transfer of any cases and appeals therefrom now pending in the County Court of Cameron County to the said court hereby created; and to provide for appeals from inferior courts to the court hereby created; providing for a special Judge; for the disposition of fees, for a seal for said court and prescribing the duties of the sheriff and county attorney in relation to said court and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

PRICE, Chairman.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 92, A bill to be entitled "An Act relating to insurance certificates or policies issued by fraternal benefit societies; providing that certain statements in connection therewith in the absence of fraud shall be deemed representations and not warranties; making such certificates or policies incontestable after two years from their date, except for certain reasons; prescribing the rule of law which shall prevail as to the liability of any such fraternal benefit society where it fails to pay a loss within sixty days after proof of death, and prescribing the penalty that shall result for such failure; prescribing the rule as to the amount payable where the insured mis-states his or her age; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal, but be not printed in bill form.

MOORE, Chairman.

By Reid. S. B. No. 92.

A BILL

To Be Entitled

An Act relating to insurance certificates or policies issued by fraternal benefit societies; providing that certain statements in connection therewith in the absence of fraud shall be deemed represen-

tations and not warranties; making such certificates or policies incontestable after two years from their date, except for certain reasons; prescribing the rule of law which shall prevail as to the liability of any such fraternal benefit society where it fails to pay a loss within sixty days after proof of death, and prescribing the penalty that shall result for such failure; prescribing the rule as to the amount payable where the insured mis-states his or her age; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That all statements, except statements which materially affect the risk, made by the insured in any application or medical examination for any policy or certificate of insurance which may be issued by any fraternal benefit society shall, in the absence of fraud, be deemed representations and not warranties, and that any such policy or certificate shall be incontestable after two years from its date, except for non-payment of premium, assessments and dues, provided the insured is a member in good standing of the society issuing said policy or certificate at the time of his death.

Sec. 2. That in all cases where a loss occurs and the fraternal benefit society liable thereunder shall fail to pay the same within sixty days after proofs of death have been made, such society shall be liable to pay the beneficiary of such certificate or policy, in addition to the amount of the loss, twelve per cent damages on the amount of such loss, together with a reasonable attorney's fee for the prosecution and collection of such loss.

Sec. 3. That if the insured mis-states his or her age, the amount payable under the policy or certificate shall be such an amount as the premium paid would have purchased at the correct age.

Sec. 4. The fact that our present laws on the subject matter dealt with in this Act are inadequate, and the law as herein provided should become effective as soon as possible, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that

this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room.

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Education, to whom was referred

S. B. No. 38, A bill to be entitled "An Act relating to the duties of the county board of trustees of the public schools of this State, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of school districts; create additional districts; consolidate two or more adjacent districts; subdivide any district; revise or rearrange the boundaries of any school district; attach territory thereto, detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis and repealing all laws, general or special, in conflict therewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass, with Committee Amendments, and be not printed, but be printed in the Journal.

WITT, Chairman.

Committee Amendments.

Amend S. B. No. 38 by adding at the end of Section 1 thereof the following:

"Provided that no school district shall be abolished, consolidated with another district, or its territory or boundaries changed without first submitting the proposition to the qualified voters of all the territory affected at an election to be ordered for that purpose, which election shall be ordered on petition of not less than fifty or a majority of the qualified voters of such territory. Such petition shall be addressed to the county board of school trustees and the election ordered by said board in the same manner as provided for elections to be ordered by the county judge. Said election shall be held under the election laws of

this State in so far as the same may be applicable. If a majority of the qualified voters of such territory voting at said election vote in favor of the propositions submitted, the same shall be considered as carried."

Amend said bill by inserting in the caption just before the words "and declaring an emergency" the following:

"making it necessary to submit the question to a vote at an election to be called for that purpose on petitions of a certain number of qualified voters so that the qualified voters of the territory affected may pass on the question of abolishing, consolidating or changing the boundaries of any school district";

By Pollard.

H. B. No. 38.

A BILL

To Be Entitled

An Act relating to the duties of the county board of trustees of the public schools of this State, authorizing them to condemn land for school purposes; to subdivide their respective counties into convenient school districts; to increase or reduce the area of school districts; create additional districts; consolidate two or more adjacent districts; subdivide any district; revise or rearrange the boundaries of any school district; attach territory thereto, detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis and repealing all laws, General or Special, in conflict therewith, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of the county board of trustees in each organized county not already subdivided, to subdivide their respective counties into convenient school districts and designate them by number. Any county hereafter organized shall be so subdivided before the beginning of the next ensuing year after its organization. Said trustees of any organized county to which any unorganized county is attached for judicial purposes, may, and, upon written petition of not less than ten resident citizens of such un-

organized county, shall create such unorganized county into one or more school districts and shall cause an order to that effect to be entered upon the minutes of said board and recorded as provided by Article 2681 of the Revised Civil Statutes of 1925. Said trustees may increase or reduce the area of any school district; create additional school districts; consolidate two or more adjacent districts; subdivide any school district; revise or rearrange the boundaries of any school district; attach territory thereto or detach territory therefrom, if necessary for the interest of the school children; provided that the territory of no independent school district with a scholastic population of 250, or more, as shown by the last preceding scholastic census approved by the State Department of Education, shall be changed without the consent of the board of trustees in said district and provided further that said county board shall not subtract from the territory of any school district in such a way as to leave it with insufficient taxable wealth to raise revenue sufficient to pay interest and create a sinking fund for outstanding bonds; provided no common school district shall contain less than nine square miles; and provided further that the county boards of trustees of the counties affected may by concurrent action create or consolidate contiguous districts and change the boundary lines of county-line districts, subject the restrictions and limitations contained herein with reference to the authority of the county board to change districts lying wholly within the county.

Sec. 2. Before undertaking to create, revise or re-arrange the boundaries or to change the territory in any school district, the county board of trustees shall cause a plan and a map to be made showing the boundaries of all districts affected and of the new district, if any to be created, with the area, taxable wealth and scholastic population of each district so affected or to be created; and no such action shall be taken without reasonable notice to the public and to the trustees of the district affected nor without giving

sufficient opportunity for all interested persons to be heard.

Sec. 3. When the boundaries of any school district having an outstanding bonded indebtedness have been changed or its territory divided or two or more of such districts consolidated, it shall be the duty of the county board of trustees to make such an adjustment of such indebtedness and district properties between the districts affected and between the territory divided, detached or added, as may be just and equitable, taking into consideration the value of the school properties and the taxable wealth of the districts affected and the territory so divided, detached or added as the case may be. And when said board has arrived at a satisfactory basis of such adjustment, it shall have the power to make such orders in relation thereto as shall be conclusive and binding upon the districts and the territory thereby affected.

Sec. 4. To carry into effect orders adjusting bonded indebtedness when changes are made in school districts, the county board of trustees shall have the power to order the trustees of the district affected, to order an election for the issuing of such refunding bonds as may be necessary to carry out the purpose of such order; and, in such case, it shall be the duty of the district trustees to order such election, cause the same to be held, and, if the proposition is carried, to issue the bonds voted. Such bonds shall be of the same denomination and carry the same interest rate and mature at the same time as the outstanding bonds owing by the district issuing them; and when so issued, shall if possible be exchanged for the outstanding bonds for which the district issuing them shall still be liable, according to the order adjusting such indebtedness; and in cases where such an exchange cannot be made, the new bonds of the district, to the amount of the old bonds for which it is still liable and for which no exchange can be made, shall be deposited in the county treasury to the account of such district. Thereafter taxes shall be levied and assessed only for the payment of the interest, sinking fund and principal of the

new bonds so issued; and the funds arising from such taxation shall be used to discharge the principal and interest of such new bonds as have been issued and exchanged and such old bonds as have not been exchanged. When taxes are collected applicable to new bonds not exchanged and the proceeds applied to payment of old bonds not exchanged, the corresponding new bonds in the county treasury shall be credited with such payment and retired as the old unexchanged bonds are retired.

Sec. 5. In cases where changes are made in districts having outstanding bonded indebtedness and where the necessary refunding bonds are voted down or where the county board of trustees are otherwise unable to arrange an adjustment or settlement of such bonded indebtedness, it shall be the duty of the trustees to certify the fact and the territories affected by such changes, to the commissioners' court and thereupon it shall become the duty of the commissioners' court to thereafter annually levy and cause to be assessed and collected from the taxpayers of such districts as they existed before the changes were made, the tax necessary to pay the interest, the sinking fund and discharge the principal of such indebtedness as it matures. And it shall be the duty of each independent school district so affected, to cause all funds in its hands, whether sinking funds or otherwise, which have been collected on account of such bonded indebtedness, to be transferred to the county treasurer of the county in which such district is situated and such district shall thereafter cease to levy and collect any tax on account of such bonds; and it shall be the duty of the county treasurer to keep the funds so transferred and those arising from taxation, in separate accounts and apply the same only to the discharge of such bonded indebtedness and the interest thereon, as the same matures.

Sec. 6. Nothing in the provisions of this Act shall prevent the county board of trustees from arranging any other method for the adjustment and settlement of outstanding bonded indebtedness of school districts in

which changes are made, but they shall have full power and authority to make any legal and equitable adjustment and settlement in such cases that can be effected.

Sec. 7. Said trustees have the power to condemn land for free school purposes and may institute, maintain and prosecute suits for that purpose following the procedure applicable to condemnation of lands by railways or any other method authorized by law.

Sec. 8. In all cases where changes have been made in the territory of existing school districts, any party aggrieved shall have the right to appeal to the district court of the county and its decision on such appeal shall be final.

Sec. 9. All laws and parts of laws, General or Special, in conflict with this Act are hereby repealed.

Sec. 10. The fact that there now exists no adequate authority for the creation of school districts and the changing of school districts lines, together with the crowded condition of the calendar, creates an emergency and an imperative necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 77, A bill to be entitled "An Act to amend Section 3, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, Regular Session, by providing for the control of waters by any mechanical means; and to amend Section 4, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing that the land composing water control and improvement districts may consist of separate bodies of land, separated by land not embraced in said district; and to amend Section 4 of Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by adding Sub-section 4a which provides a discretionary preference on the part of directors of districts in al-

lotting waters of various uses; and to amend Section 19, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for action by commissioners' courts upon hearing of petition of water control and improvement districts; and to amend Section 32, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by authorizing change of tax levy where new tax rolls are made for such district and to amend Section 37, Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas, by authorizing the election of five directors on the second Tuesday in January next after the district is formed, the three directors receiving the highest vote to serve for two years and the other two to serve for one year and thus in continuing sequence; and to amend Section 48, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by authorizing districts to supply water for municipal uses and other beneficial uses or control, and to amend Section 53, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by authorizing the control of floods; and to amend Section 76, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for the elimination of land from such districts; and to amend said Section 76 further by adding thereto Section 76a, providing for the elimination of cities, towns, villages or municipal corporations from such districts before bonds, other than preliminary bonds, have been voted; and to amend Section 78, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for the issuance of bonds of such districts, and to amend Section 79, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for the issuance of bonds of such districts; and to amend Section 80, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for the manner and method of giving notice of election to vote bonds for such districts; and to amend Section 85, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing that an election shall not be held unless a petition signed by twenty per cent of the

qualified electors is presented; and to amend Section 86, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing for the issuance of bonds for such district and to amend Section 89, Chapter 25, of the Acts of the Thirty-ninth Legislature of Texas by removing the limitation on notes and bonds to be issued by districts; and to amend Section 95, Chapter 25, of the Acts of the Thirty-ninth Legislature of Texas, by providing for the validation of proceedings of the organization of such district and the issuance of bonds thereof; and to amend Section 125, Chapter 25, of the Acts of the Thirty-ninth Legislature of Texas, by empowering a district created under this Act to acquire and control properties for the carrying out of the purposes for which same was organized; and to amend Section 126, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by extending the powers of eminent domain granted therein; and to amend Section 128, Chapter 25, of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing the manner in which elections are to be held; and further to amend Section 130 of Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, Regular Session, and to enlarge and make clear the rights of any district created or operating under Section 52 of Article 3, and Section 59 of Article 16 of the Constitution of Texas, and especially said Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, to vote upon the question as to whether taxes to be levied by said districts shall be upon an ad valorem basis or upon a specific benefit basis; or upon an ad valorem basis as to part of the total tax to be levied, and upon a specific benefit basis as to some or any part of the tax to be levied; further to provide that when such a district has adopted either the ad valorem basis of taxation or the assessment of benefits basis of taxation, that the district may define areas within the district as to which peculiar and local conditions may require the construction of drainage, flood control or water supply works, or the alteration of land elevations, not affecting the district as a whole; that the districts shall have the power to construct such works, pecu-

liar and local in character, and shall have the power to issue bonds for such purposes, either separately or as part of a general bond issue of the district; further to provide that taxes may be levied by the districts on a specific benefit basis, to be a lien on the land and property within the defined partial area of the district, in an amount sufficient to retire the bonds necessary to provide the works local and peculiar in character and to maintain the same. Further to designate the manner in which said bonds may be issued, such specific benefit assessment effected and such local protective works, water supply works or alteration of land elevations provided. Further to amend Section 141 of Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas and to enlarge and make more definite the rights of the water control and improvement district to cooperate with other districts, agencies, bodies politic and persons, for the providing of water for beneficial uses and, or, for providing drainage and flood protecting works; further defining the manner of effecting cooperation; further authorizing all bodies politic within the State of Texas, when not in express contravention of some provision of the Constitution of Texas, to enter into contract for the joint construction of water supply, flood control, drainage works, or the alteration of land elevations needing correction, or to contribute to the cost of such works when to be constructed by another in proportion to the benefits to be effected for the contributor; further providing for cooperation in the construction of such works when to be constructed either within the State of Texas or in some other state or nation; further to amend Section 143, Chapter 25, of the Acts of the Thirty-ninth Legislature of Texas, by providing for the conversion of improvement districts and irrigation districts into water control and improvement districts, and to amend Section 147, Chapter 25, of the Acts of the Thirty-ninth Legislature of Texas, by adding Section 147a, expressly validating all districts heretofore created and organized under this Act and the bonds issued thereunder; and to amend Section 147, Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, by adding Section 147b, providing for the

recording of all orders and decrees in the office of the county clerk; and to amend Section 117, chapter 25, of the Acts of the Thirty-ninth Legislature, by providing for contract by individual negotiation; and further, within the limitations of the Constitution of Texas, repealing all laws and parts of laws whether general or special, which may, and insofar as the same may, conflict with the provisions and objects of this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal, but not otherwise printed.

BLEDSON, Chairman.

By Stuart, Moore. S. B. No. 77.
Reid.

A BILL

To Be Entitled

An Act to amend Section 3, Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas, Regular Session, by providing for the control of waters by any mechanical means; and to amend Section 4 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas, by providing that the land composing water control and improvement districts may consist of separate bodies of land, separated by land not embraced in said district; and to amend Section 4, Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by adding subsection 4a which provides a discretionary preference on the part of directors in allotting waters to various uses; and to amend Section 19 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for action by commissioners' courts upon hearing of petition of water control and improvement districts; and to amend Section 32 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by authorizing change of tax levy where new tax rolls are made for such districts; and to amend Section 37 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by authorizing the election of five directors on the second Tuesday in January next after the district is formed, the

three directors receiving the highest vote to serve for two years and the other two to serve for one year and thus in continuing sequence; and to amend Section 48 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by authorizing districts to supply water for municipal uses and other beneficial uses or control, and to amend Section 53 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by authorizing the control of floods; and to amend Section 76 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for the elimination of land from such districts; and to amend said Section 76 further by adding thereto Section 76a, providing for the elimination of cities, towns, villages or municipal corporations from such districts before bonds, other than preliminary bonds, have been voted; and to amend Section 78 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for the issuance of bonds of such districts, and to amend Section 79 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for the issuance of bonds of such districts; and to amend Section 80 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for the manner and method of giving notice of election to vote bonds for such districts; and to amend Section 85 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing that an election shall not be held unless a petition signed by twenty per cent of the qualified electors is presented; and to amend Section 86 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing for the issuance of bonds for such district; and to amend Section 89 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by removing the limitation on notes and bonds to be issued by districts; and to amend Section 95 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by providing for the validation of proceedings of the organization of such district and the issuance of bonds thereof;

and to amend Section 125 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by empowering a district created under this Act to acquire and control properties for the carrying out of the purposes for which same was organized; and to amend Section 126 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by extending the powers of eminent domain granted therein; and to amend Section 128 Chapter 25 of the Acts of the Thirty-ninth Legislature of the State of Texas by providing the manner in which elections are to be held; and further to amend Section 130 of Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, Regular Session, and to enlarge and make clear the rights of any district created or operating under Section 52 of Article 3, and Section 59 of Article 16 of the Constitution of Texas, and especially said Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, to vote upon the question as to whether taxes to be levied by said districts shall be upon an ad valorem basis or upon a specific benefit basis; or upon an ad valorem basis as to part of the total tax to be levied, and upon a specific benefit basis as to some or any part of the tax to be levied; further to provide that when such a district has adopted either the ad valorem basis of taxation or the assessment of benefits basis of taxation, that the district may define areas within the district as to which peculiar and local conditions may require the construction of drainage, flood control or water supply works, or the alteration of land elevations, not affecting the district as a whole; that the districts shall have the power to construct such works, peculiar and local in character, and shall have the power to issue bonds for such purposes, either separately or as part of a general bond issue of the district; further to provide that taxes may be levied by the districts on a specific benefit basis, to be a lien on the land and property within the defined partial area of the district, in an amount sufficient to retire the bonds necessary to provide the works local and peculiar in character and to maintain the same.

Further to designate the manner in which said bonds may be issued, such specific benefit assessment effected and such local protective works, water supply works or alteration of land elevations provided. Further to amend Section 41 of Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas and to enlarge and make more definite the rights of the Water Control and Improvement District to cooperate with other districts, agencies, bodies politic and persons, for the providing of water for beneficial uses and, or, for providing drainage and flood protecting works; further defining the manner of effecting cooperation; further authorizing all bodies politic within the State of Texas, when not in express contravention of some provision of the Constitution of Texas, to enter into contract for the joint construction of water supply, flood control, drainage works, or the alteration of land elevations needing correction, or to contribute to the cost of such works when to be constructed by another in proportion to the benefits to be effected for the contributor; further providing for cooperation in the construction of such works when to be constructed either within the State of Texas or in some other State or nation; further to amend Section 143 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by providing for the conversion of improvement districts and irrigation districts into water control and improvement districts, and to amend Section 147 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by adding Section 147a, expressly validating all districts heretofore created and organized under this Act and the bonds issued thereunder; and to amend Section 147 Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas by adding Section 147b, providing for the recording of all orders and decrees in the office of the county clerk; and to amend Section 117 Chapter 25 of the Acts of the Thirty-ninth Legislature by providing for contract by individual negotiation; and further, within the limitations of the Constitution of Texas, repealing all laws and parts of laws whether general

or special, which may, and insofar as the same may, conflict with the provisions and objects of this Act; and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 3, Chapter 25 of the General Laws of the Thirty-ninth Legislature, be amended to read as follows:

Section 3. Water control and improvement districts may be organized under the provisions of Section 59 of Article 16 of the Constitution for any one or more of the purposes therein provided as follows:

"Including the control, storing, preservation and distribution of its waters and flood waters, the waters of its rivers and streams, for irrigation, power and all other useful purposes, the reclamation and irrigation of its arid, semi-arid and other lands needing irrigation, the reclamation and drainage of its overflowed lands and other lands needing drainage, the conservation and development of its forests, water and hydro-electric power, the navigation of its coastal and inland waters, and the preservation and conservation of all such natural resources of the State," and such districts when organized shall have power to control any shortage or harmful excess of waters by any mechanical means.

Sec. 2. That Section 4, Chapter 25 of the General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 4. Such districts may include the area of any county or counties, or any portion thereof, including towns, villages or municipal corporations. Such districts may include any county, and number of counties or any political sub-division of the State and defined districts or parts of any or all counties in the State of Texas, and the land composing said districts need not be in one body, but may consist of separate bodies of land separated by land not embraced in the district.

Sec. 3. That Section 4, Chapter 25 of the General Laws of the Thirty-ninth Legislature be amended by adding Section 4a to read as follows:

Section 4a. Districts organized under the provisions of this Act may in the discretion of their directors award use of waters of the district

in the following order of preference and superiority, viz:

- 1st. Domestic and municipal use;
- 2nd. Industrial use, other than the development of hydro-electric power;
- 3rd. Irrigation;
- 4th. Development of hydro-electric power;
- 5th. Pleasure and recreation.

Where the welfare of the district may require, the directors of such district may withdraw water from an inferior use and appropriate such water to a superior use, as hereinabove given discretionary preference. Whenever such diversion or withdrawal will affect a vested right, such withdrawal or diversion must be after condemnation proceedings as provided for in Section 126 of this Act.

Sec. 4. That Section 19, Chapter 25 of the General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 19. If it shall appear on hearing by the commissioners' court that the organization of a district as prayed for is feasible and practicable, that it would be a benefit to the land to be included therein, and be a public benefit, or utility, the commissioners' court shall so find and grant the petition. If the court should find that such proposed district is not feasible or practicable, would not be a public benefit or utility, or would not be a benefit to the land to be included therein, or is not needed, the court shall refuse to grant the petition.

Sec. 5. That Section 32, Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 32. Said bond election may be held at the same time as the election held for the confirmation of the district or at such time thereafter as the directors shall provide. When such bonds have been authorized by an election the directors may make an order for the issuance thereof in an amount not to exceed the amount stated in the notice of election. Said bonds may be made payable serially or upon an amortization at any time within ten years from their date. At the time such bonds are issued a tax shall be levied

sufficient to pay the interest thereon and provide for the payment of the principal thereof as same mature and to pay the cost of assessing and collecting such taxes.

If such tax levied is based upon the assessed value obtained from the county tax rolls, or the tax rolls of such district for the preceding year and new tax rolls be approved before the time for collection of taxes, the board of directors is authorized to change the tax rate so made at the time of the issuance of said bonds, provided that the new tax rate shall be sufficient when applied to the new assessed value to raise the same amount of money as the rate levied at the time when the bonds were issued would have raised upon the valuation taken into consideration in fixing such rate.

Sec. 6. That Section 37, Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 37. There shall be held a general election in said water control and improvement district on the second Tuesday in January next after the said district is formed at which time five directors for each district shall be elected. The three directors receiving the highest vote shall serve for two years. The other two directors shall serve for one year. At the second annual election two directors shall be elected to serve two years. At the third annual election three directors shall be elected to serve two years, and thereafter there shall be an annual election of two directors in one year and three directors in the next year in continuing sequence.

Sec. 7. That Section 48, Chapter 25 of the General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 48. All districts shall have full power and authority to construct all plants, works and improvements necessary to the purpose for which it is organized and incident thereto. Water control and improvement districts may construct all works and improvements necessary for the prevention of floods, the irrigation of land in such districts, for drainage of lands and construction of levees to protect same from over-

flow, to alter land elevations where correction is needed, and to supply water for municipal uses, domestic uses, power and commercial purposes, and all other beneficial uses or controls.

Sec. 8. That Section 53, Chapter 25, of the General Laws of the Thirty-ninth Legislature, be amended to read as follows:

Section 53. Any district authorized under Section 59, Article 16, of the Constitution, with the object, among other things, or irrigating arid land, is hereby empowered through its board of directors to contract with the United States of America for the purpose of providing for the investigation, construction, extension and operation and maintenance of any Federal reclamation project of benefit to the district and authorized under the National Reclamation Act of June 17, 1902 (32nd U. S. Statutes at large, page 388), and Acts now and hereafter amendatory thereof or supplementary thereto, and all herein styled The National Reclamation Law, and the securing of a district water supply therefrom, and to pay to the United States the agreed cost thereof in the form of construction charges, operation and maintenance charges, and water rental charges, as shown by such contract and in accordance with the terms and conditions of the National Reclamation Law, and the regulation now and hereafter promulgated thereunder. The construction charges may include the cost of drainage and flood control works necessary to control floods or to maintain the irrigability of district land, and the cost of incidental electric power and municipal water service made feasible through the water supply of the reclamation project. Every such contract involving the payment of construction charges to the United States shall be voted upon by the electors of the district as in the case of an issue of district bonds, and the provisions of this Act relating to the election upon, approval and validation of such bonds shall be followed so far as applicable, including the prosecution of an action in court to determine the validity of the contract. The notice of election shall state the maximum amount, exclusive of operation and maintenance charges, water rental charges, interest and penalties, payable by the dis-

trict to the United States under the contract and the ballot shall contain the following words; and no others: "For contract with the United States of America and levy of taxes and payment therefor," and "Against contract with the United States of America and levy of taxes and payment therefor." Any such district may convey real property to the United States in connection with the construction or operation and maintenance of Federal Reclamation works used or to be used for the benefit of the district. Where a contract is made under this section, between a district and the United States, providing for use by the district of Federal Reclamation Works, the district need not prepare or file any engineering data respecting the construction of such works. Until all moneys receivable by the United States from any such district under any such contract shall have been fully paid, the boundaries of such district shall not be altered without the consent of the United States. Any such district contracting with the United States under this section shall annually levy taxes sufficient in amount to provide payment of all installments of charges as required by the contract and the district may under authority of a vote of the district electors, as provided in this Act, apportion benefits and levy and collect taxes on a benefit basis instead of on an ad valorem basis, and may when provided by contract make payment of construction charges on the basis of the average gross annual acre income of the lands of the district or designated divisions or subdivisions thereof, as such annual gross acre income is determined by the Secretary of the Interior. The annual levies of assessments shall be sufficient to collect the amount of money required to meet all the district's obligations in full when due, notwithstanding any delinquency in payment of assessments by any tract of land. If collections in any year prove insufficient to meet the obligations of the district, the levy shall be increased the following year to a sufficient extent to cover the deficit. The annual levies for payment of construction charges shall continue to be made each year against each tract of land in the district until the full amount apportioned against the same has been paid notwithstanding

that such construction charges apportioned against other tracts of land in the district may sooner or later be paid out. The lien against district lands on account of any such contract with the United States shall be superior and dominant to the lien on account of any district bonds approved subsequent to date of such contract.

Sec. 9. That Section 76 Chapter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 76. Whenever a district shall have been organized and the directors shall find that land has been included within the boundaries of the district that should not have been included therein for the reason that same cannot be practicably and economically supplied with water from, or protected from flood by, the plant and improvements to be constructed by the district, or for other good reasons, and such facts are ascertained and determined before bonds, other than preliminary bonds, are issued, the directors may make an order entered on their minutes excluding such lands from the district and their finding shall be final and not subject to judicial review save and only upon the ground of fraud discovered after the entry of the order of exclusion. Notice thereof shall be given by publication of notice once a week for two consecutive weeks in a newspaper having general circulation in the county or counties in which such district is situated, or by notice in person or by registered mail, and the published notice shall be sufficient if directed to the owner or owners of the land and all others in anywise interested, without naming such owners. The owners of any such land may file protest thereto at any time within 30 days after the first publication of notice or receipt of notice, if delivered in person or by registered mail, and in the event of such protest such lands shall not be excluded therefrom unless it appears that water service, flood protection, or drainage cannot practically and economically be rendered. In the event no protest thereto is filed, such order excluding such lands shall become and be effective 30 days from the date of the publication of the first notice, or the delivery of the notice in person or by mail, whereupon said order excluding such

lands shall be filed for record in the office of the county clerk of the county in which such lands are located. When land is eliminated from the district under the provisions hereof after preliminary bonds have been issued, such eliminated lands shall, nevertheless, be liable for the necessary taxes, until same shall have been fully paid off and discharged. Provided, nevertheless, in the event that the preliminary bonds of said district, if any, are thereafter retired by other bond issues of the district, then there shall be no further liability on the part of the lands eliminated in accordance with the provisions hereof.

Sec. 10. That Section 76 Chapter 25 General Laws of the Thirty-ninth Legislature be amended by adding to Section 76 a sub-section numbered 76a as follows:

Section 76a. Whenever a city, town, village or municipal corporation shall have been included within any district heretofore or hereinafter organized under the provisions of Chapter 25 Acts of the Thirty-ninth Legislature, and amendments thereof, and if before bonds, other than preliminary bonds, are issued, it shall be found by the directors of such district upon investigation that such city, town, village or municipal corporation will not be sufficiently benefited or cannot practically and economically be served with water or protected from flood by the construction of the improvements contemplated by the district, the directors of such district may, after notice as herein provided, hold a public hearing on the question of whether or not such city, town, village or municipal corporation shall be eliminated from such district. Notice of the time, place and purpose of such public hearing shall be given by publication of notice once a week for two consecutive weeks in a newspaper of general circulation published in the county or counties in which such district is situated. At the time and place set forth in such notice the board of directors of the district shall hear the evidence of any and all interested parties upon the matter of the proposed elimination of such city, town, village or municipal corporation. Should the board of directors, upon hearing evidence, be convinced that it is for the best interest of such city, town, village or mu-

municipal corporation and, or, of the district, that such city, town, village or municipal corporation be eliminated from the district, then the board of directors shall pass an order eliminating same, and their findings shall be final and not subject to judicial review, save upon the ground of fraud discovered after entry of the order of exclusion. A copy of such order duly signed and acknowledged by the president of the board of directors and attested by the secretary shall be thereupon filed for record in the office of the county clerk of the county or counties wherein such city, town, village or municipal corporation is situated. Upon the entry of such order of elimination and the filing of same for record in the office of the county clerk, such order shall become effective and such eliminated city, town, village or municipal corporation shall thereafter be relieved of any and all liability thereafter incurred by said district. Provided, nevertheless, that all property situated within such eliminated city, town, village or municipal corporation shall be subject to the payment of any and all necessary taxes to pay off and discharge the interest on and principal of preliminary bonds of the district theretofore issued, if any, and the cost of collecting taxes therefor. In the event that the preliminary bonds of said district, if any, are thereafter retired by other bond issues of the district, then there shall be no further liability on the part of the property situated within said excluded city, town, village or municipal corporation for the payment of such preliminary bonds.

Sec. 11. That Section 78 of Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 78. Whenever a district shall have been organized and shall have adopted plans for the construction of a plant and improvements to carry out the purpose of its organization, it may issue bonds for the purpose of constructing same and paying all costs and charges incident thereto, including the cost of property deemed necessary therefor and the retirement of any and all preliminary bonds theretofore issued, if any. Before an election is held to authorize the issuance of bonds, there shall be filed in the office of the district an

engineer's report covering the plan and improvements to be constructed, together with maps, plats, profiles and data fully showing and explaining same, and same shall be open to inspection by the public. The said engineer's report shall contain a detailed estimate of the cost of such improvements, including the cost of purchase of any property to be furnished, and shall also contain an estimate of the time required to complete said improvements, so that service therefrom can be commenced. The directors shall consider and approve such report and may make changes therein and note same of record in their minutes. After such report shall have been filed and approved, with changes, if any, the board of directors may order an election to be held in the district for the purpose of authorizing the issuance of such bonds.

Section 12. That Section 79 of Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 79. Such bonds may be issued so as to include and cover the cost of organization of the district, incidental expenses, the cost of investigation and making plans, engineers work and other incidental expenses, including cost of retirement of preliminary bonds of the district, if any, theretofore issued, cost of issuing and selling bonds, estimated discount on the bonds, and cost of operation of the district for the period stated in the engineer's report, as estimated to be required for the construction of the plant and improvements to be constructed up to the time same shall be completed and service therefrom commenced, and as part of such costs there may be included in such bond issue a sum sufficient to pay the interest on the bonds during such period so stated in the engineer's report and not to exceed three years from the time such bonds are sold. An estimate shall be made by the board of directors in its order for the election of the total amount required to cover said items and such bonds may also be issued so as to include and cover any additional cost or expense which it may become necessary to add to the engineer's estimate by any change or modification made by the

district in the proposed work, and in its order for the election the board of directors shall make an estimate covering any such additional cost or expense on account of any change or modification made by them in the proposed work. The maximum amount of bonds to be issued shall not exceed the amount of said engineer's estimate, together with the amounts of the estimates so made by the board of directors in its order. Such order shall state the proposed maximum interest rate on said bonds and the maximum maturity date of said bonds, and shall state the time and place or places of holding the election and the names of the officers of election. The bonds so voted upon may be issued to mature at the end of a term of years, or to mature in serial form at any date, not to exceed the maximum maturity date stated in the order for the election and may be issued at any rate of interest, not to exceed the rate of interest stated in such order, and in no event to exceed 6 per cent per annum. The proposition to be voted upon shall be that of the issuance of the total amount of bonds covered by the amount of the estimate made in the engineer's report and the estimates which may be made by the board of directors, as hereinbefore provided.

Sec. 13. That Section 80, Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 80. Notice of election, stating the maximum amount of bonds to be issued and the proposed maximum interest rate thereon and the maximum maturity date of said bonds and the time and place or places of holding the election, shall be given under the hand of the president and secretary of the board of directors, by publication of such notice once a week for four consecutive weeks in some newspaper having general circulation in the county or counties in which said district, or any part thereof, is located, the first of which publication shall be at least twenty-eight days before the date of such election. Such notice shall contain substantially the proposition to be voted upon and shall contain a summary of the engineer's estimate

of the cost of the proposed improvements, as shown by his report provided for in Section 78, and shall also contain a statement showing any estimate or estimates made by the board of directors in its order for the election covering sums to be included in the proposed bond issue.

Sec. 14. That Section 85, Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 85. The board of directors of any district which has been or shall be organized under the provisions of Section 59 of Article 16 of the Constitution, may for the benefit of the purchasers, or holders, of bonds to be issued or sold, limit the power of the district to incur debt or issue bonds in the manner and to the extent hereinafter provided. Said board may adopt a resolution declaring that during a period of not exceeding fifteen years the district shall not issue bonds in excess of twenty-five per cent of the assessed value of the taxable real property of the district according to the last assessment for district purposes, or not in excess of a fixed sum, or only for certain named purposes, and shall give notice of the adoption of such resolution by publication once a week for two consecutive weeks in a newspaper having general circulation in the district stating that such resolution shall take effect unless a petition signed by twenty per cent of the qualified tax paying electors of the district shall be presented against the proposed limitation within twenty days after the date of the first publication of such notice. If such petition or remonstrance be filed within said period, such limitation shall not take effect unless it is approved at an election held in the district. The ballot on the question at such election shall be substantially in the following form: "For limiting during the term of _____ years, the maximum debt of the district to _____," and "Against limiting during the term of _____ years the maximum debt of the district to _____." The blank space therein shall be properly filled in to show the purpose of the election.

If such limitation shall be approved, or if during said period no petition or remonstrance shall be filed the district shall not issue bonds

under any statute or constitutional provision during said term in excess of the amounts so limited, except for the necessary repair of, or to complete, works for construction of which bonds may be issued within such limitation and shall only issue bonds exceeding such limitation for said purpose after the State Board of Water Engineers shall have approved same and the plans and specification for same, with the estimate of the cost thereof. If such plans and specifications and estimate be approved by said State Board of Water Engineers, notice of intention to issue such bonds, stating the purpose thereof, shall be given by publication once a week for three consecutive weeks in a newspaper having general circulation in the district, stating the amount of the proposed issue of bonds and the time a hearing will be had, which time shall not be less than 30 days from the first publication. Any tax payer, bond holder or other person interested may appear and shall be heard.

Said hearing to be held by the board of directors of the district. If the determination be in favor of the issuance of such additional bonds for the amount and for the purpose stated in the notice, the question of issuing such bonds shall be submitted to the property tax paying voters at an election held in the form and manner provided by law. Only resident voters who are property tax payers shall vote at such election as provided by the provisions of the Constitution.

Sec. 15. That Section 86, Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 86. The bonds issued under the provisions of this Act shall be issued in the name of the district, signed by the president and attested by the secretary, with the seal of the district affixed thereto, and said bonds shall be issued in denominations of not less than one hundred dollars nor more than one thousand dollars each, and such bonds shall bear interest at the rate of not to exceed six per cent per annum, payable annually or semi-annually. Such bonds shall by their terms provide the time, place or

places, manner and condition of their payment and the interest thereon, as may be determined and ordered by the directors of said district and none of such bonds shall be made payable more than forty years after the date thereof, provided that the lien for the payments due the United States under any contract between the district and the United States accompanying which bonds have not been deposited with the United States, shall be a preferred lien to that of any issue of bonds or any series of any issue subsequent to the date of such contract.

Sec. 16. That Section 89 of Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 89. Whenever such district shall have constructed or purchased improvements and same may be damaged so that it may be necessary to raise funds to repair such damage, said district may either issue bonds to secure such funds or may issue its notes to run not to exceed twenty years, and to bear interest at not to exceed six per cent per annum. Before such notes are issued the board of directors shall order an election and give notice thereof as required in bond issues stating the purpose for which they are to be issued, the time they are to run, and the rate of interest they are to bear, and the time and the place of said election. The ballots for such election shall have printed thereon, "For issuance of notes" and "Against issuance of notes." The election shall be held and returns made and canvassed as provided for bond elections. If a majority of those voting at such election voted in favor of the issuance of such bonds or notes, the board of directors may issue and sell same for the benefit of said district. At the time such bonds or notes are issued or sold the board of directors shall levy a tax for the purpose of paying the interest thereon and creating a sinking fund to pay such interest and to pay such bonds or notes within the time of their maturity. Said notes shall be issued in serial form to mature in installments as determined by the directors.

Sec. 17. That Section 95 of Chap-

ter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 95. Whenever any district shall have issued bonds, including preliminary bonds, as herein provided, and may desire to validate same by suit, as hereinafter provided, such suit may be filed for the validation of the organization of such district and of such bonds and after the rendition of a final judgment therein said bonds or contract shall be incontestable and no suit shall be brought in any court of this State contesting or enjoining the validity of the formation of any such district or any bonds thereby, or contesting or enjoining the validity of any contract with the United States or of authorization thereof by the district, except in the name of the State of Texas, by the Attorney General upon his own motion or upon the motion of any party affected thereby upon good cause shown. No such suit shall be filed or prosecuted by the Attorney General unless based upon allegations of fraud disclosed or found after the rendition of a final judgment in such validation suit. If such validation suit is filed it shall not be necessary to have said bonds approved by the Attorney General as herein otherwise provided.

Sec. 18. That Section 125 Chapter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 125. Districts created under the provisions of this Act are hereby empowered to own reservoirs, dams, levees, flood control retarding works, hydro electric works and a distributing system therefor, wells, canals, laterals, sites for pumping plants, sites for settling basins, and, all other properties, plants and improvements necessary or proper or incident to the carrying out of the purposes for which same were organized, and to buy or construct the same, and to acquire the necessary rights of way for, or land for, the same by gift, grant, purchase or condemnation, and they may acquire the title to any and all lands necessary or incident to the successful operation thereof, in addition to any of the above, in the manner provided, including the authority by purchase or condemnation, to acquire rights of way for the enlargement, extension or improvement of any existing

canals or ditches. Any property acquired may be conveyed to the United States insofar as the same shall be necessary for the construction, operation and maintenance of works by the United States for the benefit of the district under any contract that may be entered into thereunder.

Sec. 19. That Section 126 Chapter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 126. The right of eminent domain is hereby conferred upon all districts established under the provisions of this Act for the purpose of condemning and acquiring the right of way over and through all lands, private and public, necessary for making reservoirs, flood control retarding works, canals, laterals, and for pumping sites, drainage ditches, levees and all other improvements necessary and proper for such districts, and the authority hereby conferred shall authorize and empower such districts to condemn all lands, public and private, for the purposes herein indicated beyond the boundary of such district, and in any county within the State of Texas. All such condemnation proceedings shall be under the direction of the directors and in the name of the water control and improvement district, and the assessing of all damages and all procedure with reference to condemnation, appeal and payment shall be in conformity with the Statutes of this State for condemning and acquiring right of way by railroad companies. Such condemnation suit may be brought in any county where any part of the property is situated, and all such compensation and damages adjudicated in such proceedings shall be paid out of the construction and maintenance fund of such district.

Sec. 20. That Section 128 Chapter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 128. Two or more districts may jointly own and construct irrigation works and reservoirs, levees, flood control retarding system, drainage systems and all other plants, works and improvements, which they are authorized to own or construct, under the terms and conditions to be set out in a written contract. Any such contract shall

not be binding until same shall have been ratified by a majority vote of each of such districts. An election shall be held in each of such districts upon the same day to determine whether such contract shall be adopted. Notice of such election shall be the same as that required for the formation of a district under this Act. Such contract shall be printed or in writing and a true copy thereof shall be filed in the office of each district fifteen days prior to such election, and be subject to public inspection, and one true copy of same shall be furnished to each voter calling for same at such office at any time within fifteen days prior to such election. When improvements are constructed by two or more districts, bids may be jointly called for and opened and considered at the designated office of either of such districts, and such districts shall approve the letting of the contracts and the contractors bond, and may meet for that purpose at a place outside of their district, or at any office established for such joint project and at which office all business of such joint project may be transacted, all bids, bonds, contracts, etc., of such joint project may be in the names of such joint project districts, such districts being empowered and authorized to do all acts by joint action that one district may do. The action of each district being determined by its board of directors, a general manager may be employed by such joint enterprises whose duties may be set forth in the joint ownership contract.

The terms and conditions of such joint ownership contract shall not conflict with the provisions of law providing for the organization and conduct of districts, but may include provisions for joint construction and operation of same. Such contracts may be amended in the same manner as made.

Sec. 21. That Section 130 of Chapter 25, General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 130. Any district organized under authority of Section 59, Article 16 of the Constitution of Texas, and as well any district which may have been created prior to the adoption of such constitutional amendment, and which has availed, or which may hereafter avail, itself

of the benefits of said Section 59 of Article 16, may at the time of its creation, or at any time thereafter, before such districts may have issued bonds, submit to the qualified elector of such district the question whether the taxes to be levied therein shall be levied, assessed and collected upon an ad valorem basis; or whether the taxes to be levied, assessed and collected shall be upon the basis of specific and equitable assessment in proportion to the benefits to be conferred; (a) or whether the tax to be levied or assessed and collected shall be on an ad valorem basis as to some part of the total tax required, and upon an equitable or specific assessment of benefits as to some defined part of the area of the district, or as to some designated part of the total tax required; (b) If the directors of a district wish to submit to the electors of their district the question as to whether the tax shall be in part ad valorem and in part upon the basis of equitable and specific assessment in proportion to benefit, they shall by resolution entered in their minutes designate what part of the tax is proposed to be on each basis; they shall also designate the peculiar physical or economic conditions, or peculiar diverse local needs of different areas within the district which make it equitable or expedient to levy part of the total tax upon the specific or equitable assessment of benefit basis. (c) If the proposed assessment of the tax upon an equitable, specific benefit basis is to apply only to some defined part of the district, the directors of a district shall in their minutes define the area and fully set out the peculiar local needs of the defined part of the district to which the peculiar local needs of the defined benefits is proposed to apply. This finding shall be based upon distinctive local need of water supply, local drainage, local flood protection or altering land elevations needing correction, one or all, and not generally affecting the districts as a whole. Their findings further shall fix the sum of money required to provide the works needed to protect or serve the peculiar local conditions within such defined part of the district upon which it is proposed to assess a tax upon an equita-

ble benefit basis, which tax may or may not be in addition to other taxes levied by the district on property within the defined area. It is provided, however, that the proportional tax, or income, contributions of a defined area, either by water use or other tax levies of the district, may be taken into consideration in assessing benefits in the defined area.

(d) Such questions shall be submitted to the qualified voters of such district at any time, in the manner, and after notice provided by law under which the district is created with reference to the issuance of bonds by it. Such election may be held at the time of the election of directors, and the question of taxation may be on the same ballot as that provided for the election of directors. (e) If the directors submit the question as to whether the tax shall be on an ad valorem basis or on a specific basis, then notice of the election shall so state and the ballot shall have printed thereon in substance the following: "For levy of taxes on a basis of the assessed value of property," and, "For the levy of taxes on a specific benefit assessment basis." (f) If the directors wish to submit to the voters the question whether some designated part of the total tax proposed shall be on an ad valorem basis and the remainder on the basis of specific benefits, the notice of election shall in addition set out in full the minutes of the directors setting up the respective amounts and the reasons on which the proposed allocation of taxes has been based; also the ballot used shall have printed thereon in substance the following: "For the levy of _____ per cent of a total tax on a basis of the assessed value of property, and _____ per cent on a specific benefit basis," and, "Against the levy of _____ per cent of a total tax on a basis of the assessed value of property, and _____ per cent on a specific benefit basis." (g) The directors of a district shall not have power to assess a specific benefit tax on a defined area within a district unless the owners of more than fifty per cent of the real estate, either in acreage or in value, located within the area proposed to be defined and taxed for peculiar local improve-

ments or benefits do file with the board a petition signed by such owners or owner. Upon receipt of such petition the directors may give notice either by posting notice at some public place in said area proposed to be defined, or by published notice in a newspaper having general circulation in said area. Notice shall be given ten full days before the time set for hearing by the board and shall state the time and place of hearing. (h) The board shall hear evidence for or against the creation of the proposed defined area. They shall grant or deny the petition upon the grounds set out in Section 19 of said Chapter 25. (i) If no such appeal is perfected within said ten days, or after final decision of such appeal, the board may at any time order an election to be held within the district to confirm the designation of the area and to authorize the issuance of bonds and the levy of a tax on the property within the defined area on the specific basis, in order to provide the works necessary to serve the area to be defined. The area defined shall be for the purpose of this election a separate voting precinct. (j) The notice of election and manner of holding it, and the qualification of electors, shall be the same as for the issuance of bonds by such district. The notice shall, in addition to other requirements, set out in full the minutes giving the findings of the board as to the peculiar needs of the area defined, the works to be provided and the sum required to provide the works proposed. At such election the ballot shall have printed thereon in substance the following: "For designation of the area, the issuance of bonds, and the levy of a tax upon the specific benefit basis within the defined area," and, "Against such designation, the issuance of bonds and levy." (k) If the majority vote in the defined area is in favor of the proposal the directors of a district shall declare the result of the election by order in their minutes giving accurate description of the boundary of the defined area. A copy of this order properly certified shall be recorded in the deed records of the county or counties in which the defined area may lie. (l) If a major-

ity vote within the defined area favors the issuance of such bonds the directors may issue bonds, assess benefits, levy and collect taxes to retire the bonds and to maintain the works designated to serve the defined area, and shall administer the business of said defined area as part of their duties as directors under the applicable provisions of said Chapter 25 of the Acts of the Thirty-ninth Legislature. (m) If a majority of the vote in the whole district favors the creation of a defined area, or areas, within the district, then and in that event, and if the sums derived from the assessments and levy of specific benefit taxes within the defined area are not in any year sufficient to meet the obligations of the district for any given year under the bonds issued for the benefit of a defined area or areas, then the succeeding year the directors of the district shall levy upon the district as a whole a supplemental ad valorem tax or specific benefit assessment tax sufficient to protect the defaulted obligations under said bonds. In case of such levy or assessment to protect the deficiency the district shall reimburse itself by enforcement of its tax lien, hereby created, upon the property located in the defined area. The taxes in such defined area shall be levied, assessed and collected, as provided for by Section 132 and 133 of said Chapter 25 of the Acts of the Thirty-ninth Legislature. (n) The fact that bonds have been issued and sold by the district shall not prevent the creation of a defined area as provided herein, and the issuance of bonds for the specific benefit of such designated area, and to be retired by the assessment of specific taxes in such defined area. (o) Save as herein provided the issuance and sale of such bonds based on a defined area shall be in accordance with the provisions of said Chapter 25 relating to the issuance and sale of other bonds by the district.

Sec. 22. That Section 141, Chapter 25, General Laws of the Thirty-ninth Legislature, be amended to read as follows:

Section 141. Any district organized under the provisions hereof shall have authority to seek and solicit cooperation, donations and contributions from the United States

Government, the Government of the State of Texas, or any other State or Nation, and county, municipality, water improvement district, water control district, drainage district, or any other political sub-division of Texas, any person, co-partnership, corporation or association and may incur reasonable expense to procure such co-operation, both with reference to adding to the area of the district or with reference to the contributions to the cost of the improvements undertaken by the district in such manner that the contributions would be either upon a percentage of cost, or a definite annual sum basis. (a) Any water improvement district, water control and improvement district, levee improvement district, county, city, town or other body politic within the State of Texas now organized or which may be hereafter organized shall have the power to enter into contract for contribution to the cost of the construction of drainage, flood control or water supply works, or the changing of the land elevations needing correction, to be constructed beyond the boundaries of the contributing district, municipality, or other political sub-division of the State of Texas, and so contribute even though such works may be located beyond the boundaries of Texas or of the United States, and by whomsoever such works are to be constructed. Such contribution shall be in proportion to the extent that the proposed works will be a benefit to the contributor. (b) Such contract may provide for the issuance of bonds by the contributor and direct payment to contractors upon the estimates of the engineer for the contributor, out of the proceeds of such bonds, if bonds are to be issued by a body politic the contributor shall submit the contract for contribution to its qualified electors for approval and for authority to issue the bonds, fix a lien to secure the bonds and to levy, assess and collect taxes to retire the bonds. All such procedure by a contributing political sub-division of Texas shall be in conformity to the applicable law under which such contributing body politic has its being and may create bonded indebtedness. The disposition of the proceeds of such bonds shall be in

conformity to the approved contract of contribution. (c) Such contract for contribution may provide that in lieu of the issuance of bonds the contributor may provide for the levy, assessment and collection of an annual tax in a specific sum to be a lien on the property within the contributor's taxing power, which tax shall be collected by the contributor at its own expense, and annually paid to the constructor of the works to which the contribution is to be made, and such annual payment shall be held as a trust fund by the constructor of the proposed works and applied annually by such constructor upon the bonds issued by it to provide funds for the construction of the works to which contribution is to be made. (d) Such contract shall be submitted by the contributor to its qualified electors for approval and for authority to levy and assess a tax sufficient to meet the annual payments fixed in the contract of contribution. Such levy or assessment shall be a lien on the property subject to the contributor's taxing power. The election for the approval of the contract and the authorized taxes for the fulfillment of the contract shall be held in conformity to appropriate law under which such contributing body politic has its being and may create bonded indebtedness. Payment of the annual sums of contribution shall be in conformity to the contract of contribution. (e) If the proposed contributor has any fund not otherwise appropriated, or any fund not required for actual use, even though otherwise appropriated, the said fund may be withdrawn from the appropriation not needing the fund and the same or either of the same may be applied in payment of contributions to the cost of the works deemed to be a benefit to the contributor, but to be constructed by another, or jointly by the contributor and another. Contributions from such an unappropriated, or available fund shall be within the powers of the governing officers of the contributing body politic, who are hereby authorized to enter into contract for contribution, and to contribute, without submitting the same to a vote of the qualified electors of the contributor. Such contribution shall not

however be made in any case where the contribution would impair the ability of the contributor to meet any outstanding obligation or to well and economically discharge contributor's duty to its electorate or constituency.

Sec. 23. That Section 143 Chapter 25 General Laws of the Thirty-ninth Legislature be amended to read as follows:

Section 143. Any water improvement district, levee improvement district, irrigation district, or other conservation and reclamation district heretofore organized, or hereafter to be organized, under the provisions of Section 59 Article 16 or Section 52 of Article 3 of the State Constitution, may become and be converted into a water control and improvement district in the following manner: The Board of Directors, supervisors or other governing body of such district shall adopt a resolution declaring that in their judgment it is for the best interest of such district, and will be a benefit to the lands and property included in said district to become a water control and improvement district and to operate under the provisions of Section 59 Article 16 of the Constitution of Texas. Such resolution shall be entered in their minutes. Notice of the adoption of such resolution shall be given by publication thereof in a newspaper having general circulation in the county or counties in which the district is situated. Such notice shall be published once a week for two consecutive weeks. The first publication must appear not less than fourteen full days prior to the time set down for a hearing. Notice shall state the time and place of the hearing and shall set out the resolution in full. It shall notify all interested persons to appear and offer testimony for or against the proposal contained in the resolution. If, upon a hearing, the board of directors, board of supervisors, or other governing body, find that it would be for the best interest of the district to be converted into a water control and improvement district, and would be a benefit to the lands and property situated in said district, then, and in that event, they shall enter their order so finding, and said district shall thereupon become a water control and improvement district. If they find that it would not be for the

best interest of the district and would not be a benefit to the lands and property situated in the district, they shall so find and enter their order against conversion of the district to a water control and improvement district. The findings of said board of directors, board of supervisors, or other governing body, shall be final and not subject to appeal or review. All water improvement districts, levee improvement districts and other districts referred to in this section which shall become and be constituted a water control and improvement district under the provisions hereof shall be a conservation and reclamation district under the provisions of Section 59 Article 16 of the State Constitution and shall thereafter be governed by this Act, and any amendments hereof hereafter adopted, and shall have and may exercise all the powers, authority, functions and privileges herein provided in the same manner and to the same extent as if same had been organized under the provisions hereof.

Sec. 24. That Section 147 Chapter 25 General Laws of the Thirty-ninth Legislature be amended by adding Sections 147a and 147b as follows:

Section 147a. All water improvement districts which have heretofore complied with the requirements of Chapter 25 of the Acts of the Thirty-ninth Legislature relating to converting such districts to water control and improvement districts are hereby declared to be valid water control and improvement districts just as though they had been originally organized under the provisions of said Chapter 25 of the Acts of said Thirty-ninth Legislature, and further all water control and improvement districts as now defined and bounded, the validity of which is not now being contested in any of the courts of this State, are hereby declared to be valid water control and improvement districts and to have the powers and duties defined in and granted by Chapter 25 of the Acts of the Thirty-ninth Legislature of Texas, and as well to have any powers and duties which may be hereafter defined in or granted by any Act amending said Act. All bonds issued by such districts, which have been declared valid by a judgment of the district court, and not appealed from, or by

a judgment of the district court affirmed on appeal, or by the Attorney General of this State, shall be and are held to be valid and binding obligations of such districts and not subject to attack except for fraud.

147b. All proceedings of the directors of a district and all decrees and orders of any court affecting the formation, boundaries or validity of such district must be recorded in the office of the county clerk of each county in which such district is located in a special record book kept for that purpose. This recording is to be in addition to other recording provisions in this Act contained.

Sec. 25. That Section 117 Chapter 25 Acts of the Thirty-ninth Legislature be amended to read as follows:

Section 117. Contracts for making and constructing the plants, works and improvements of the district shall be made by the directors to the lowest responsible bidder. It is provided however, that if the owners of two-thirds or more of the land located in the district, either in acres or in value, or if two-thirds or more of the qualified electors of said district, do sign a petition to the directors in the district requesting that the contract for the construction of the plants, works and improvements be entered into by the directors by individual negotiation and not by advertisement for bids, then and in that event the directors of the district may, in their discretion, enter into such contract by individual negotiation. In the event the contract is not to be so entered into however, the directors of the district shall give notice of the letting of the contract by advertising the same in some one or more newspapers having general circulation in the State of Texas and also in one newspaper having general circulation in the county in which such district or part thereof is situated and in one newspaper published in said district, if there be a newspaper published therein. Such notice shall be so published once a week for four consecutive weeks prior to date upon which said contract is let. The provisions of this section shall not apply in case of any contract between the district and the United States.

Sec. 26. Be it further enacted that, within the limitations of the Constitution of Texas, all laws and

parts of laws, general or special, which may, insofar as the same may, conflict with the provisions and objects of this Act, are hereby repealed.

Sec. 27. The fact that the creation, operation and use of water by water control and improvement districts result in the material benefit and improvement of the State of Texas and in the increase of taxable values of the property therein resulting in great benefit to the State, and the fact that the present law relating to such districts is inadequate, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be and the same is hereby suspended and that this Act take effect and be in force from and after the passage thereof, and it is so enacted.

(Floor Report.)

Senate Chamber,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 78, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of 1925, as amended by Chapter 290 of the General and Special Laws of the Regular Session of the Fortieth Legislature, so as to correct an error as made by the Fortieth Legislature in reference to the salary of county commissioners in counties having an assessed valuation of less than \$6,500,000.00, and making certain other changes in said Article 2350 in reference to the compensation of county commissioners and declaring an emergency."

Have had the same under consideration, and beg leave to report same back to the Senate with the recommendation that it do pass and be not printed in bill form, but be printed in the Journal.

Wirtz, Chairman; Miller, Parr, Witt, Holbrook, Triplett, Floyd, Wood.

By Ward.

S. B. No. 78.

A BILL To Be Entitled

An Act amending Article 2350 of the Revised Civil Statutes of 1925 as amended by Chapter 290 of the General and Special Laws of the Regular Session of the Fortieth

Legislature so as to correct an error made by the Fortieth Legislature in reference to the salary of county commissioners in counties having an assessed valuation of less than \$6,500,000.00, and making certain other changes in said Article 2350 in reference to the compensation of county commissioners; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 2350 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Article 2350. In counties having the following assessed valuations respectively, the county commissioners of such counties shall each receive the annual salaries herein specified, to be paid in equal monthly installments out of the general funds of the county:

Assessed Valuation.	Salary.
\$6,500,000 and less than	
\$10,000,000.....	\$1,200.00
\$10,000,000 and less than	
\$12,500,000.....	\$1,500.00
\$12,500,000 and less than	
\$20,750,000.....	\$1,800.00
\$20,750,000 and less than	
\$25,000,000.....	\$2,000.00
\$25,000,000 and less than	
\$30,000,000.....	\$2,250.00
\$30,000,000 and less than	
\$100,000,000.....	\$2,240.00
\$100,000,000 and less than	
\$200,000,000.....	\$3,600.00
\$200,000,000 and over.....	\$4,200.00

"In counties having an assessed valuation of less than \$6,500,000 each county commissioner shall receive five dollars per day for each day served as commissioner and acting as ex-officio road superintendent in his precinct, not to exceed one thousand dollars in any year. In counties whose assessed valuation is \$100,000,000 or more, said commissioners shall devote their entire time to the duties required of them by law and such other duties as their commissioners' court may require of them. "Assessed valuation" means the total assessed valuation of all properties as shown by the tax rolls certified by the county assessor, approved by the commissioners' court and approved by the Comptroller for the previous year, provided that nothing herein shall affect any local or special law."

Sec. 2. The fact that the Fortieth Legislature at its Regular Session made an error and provided compensation of county commissioners in counties of small taxable values so that such compensation would be greater than counties having larger valuations, and the further fact that in amending said Article 2350 said Legislature made certain changes not supported by the caption of the Act amending same, and this Act undertakes to correct these errors, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is enacted.

Committee Room,
Austin, Texas, May 30, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 90, A bill to be entitled "An Act to require the Highway Commission to formulate and execute a program for a better connected and correlated system of highways in this State intended to serve the greatest demands of travel, the heaviest traffic and the best interest of the State, and for the construction of more durable types of roads; providing for a continuity of policy on the part of the Highway Commission, and insuring a connected system of highways by requiring that the Highway Commission shall establish a system of primary highways from among the existing designated highways of the State, by requiring that the same shall be selected with the view of serving the needs and convenience of the greatest number of people having use for the highways, by requiring that a highway once placed in the system of primary highways shall not be taken out of that system without the consent of the Legislature or the consent of the commissioners' court of the county in which such highway is situated, and that if taken out compensation shall be made to the county for the amount of funds which it contributed to the

construction thereof after its selection as a part of said system, and describing how said compensation shall be made, by further requiring that the mileage of additional highways added to such system of primary highways shall not exceed a total of three hundred miles in any one fiscal year, and by further requiring that it shall be the policy of the Highway Commission to give prior aid to the development of said primary highways selected from among the principal and most frequently used highways of the State and of filling of gaps in unimproved sections therein, to the end that safe and passable roads may be afforded the general traveling public across the State of Texas, and to and between the several sections thereof; authorizing the use of such portion of the State highway fund available for the construction and betterment of such primary highways, and placing a limit on the amount that may be so used; requiring counties through which such highways may pass to contribute their equitable share of the cost of construction or improvement, and authorizing the Highway Commission to withhold from any county which refuses or fails to contribute its just share of the cost of construction or improvement further allotments of aid, or to charge such county on any subsequent allotment of aid with its share which it should have contributed and was required to contribute; requiring that the Highway Commission shall give preference in allotments of aid wherever possible and consonant with the general plan and policy of highways in counties of this State to counties contributing to the cost of construction and improvement of the highways within such counties; providing that whenever the county contributes of its funds to the cost of such construction or improvement, the county judge or other official representative of the commissioners' court of such county in which the contract for the construction or improvement is to be let, shall have a vote with the Highway Commission in determining the type of construction and cost thereof, and in awarding and letting contracts for such construction and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal, but not printed in bill form.

FLOYD, Chairman.

By Wood.

S. B. No. 90.

A BILL
To Be Entitled

An Act to require the Highway Commission to formulate and execute a program for a better connected and correlated system of highways in this State intended to serve the greatest demands of travel, the heaviest traffic and the best interests of the State, and for the construction of more durable types of roads; providing for a continuity of policy on the part of the Highway Commission, and insuring a connected system of highways by requiring that the Highway Commission shall establish a system of primary highways from among the existing designated highways of the State, by requiring that the same shall be selected with the view of serving the needs and convenience of the greatest number of people having use for the highways, by requiring that a highway once placed in the system of primary highways shall not be taken out of that system without the consent of the Legislature or the consent of the commissioners' court of the county in which such highway is situated, and that if taken out compensation shall be made to the county for the amount of funds which it contributed to the construction thereof after its selection as a part of said system, and describing how said compensation shall be made, by further requiring that the mileage of additional highways added to such system of primary highways shall not exceed a total of three hundred miles in any one fiscal year, and by further requiring that it shall be the policy of the Highway Commission to give prior aid to the development of said primary highways selected from among the principal and most frequently used highways of the State and of the filing in unimproved sections therein, to the end

that safe and passable roads may be afforded the general traveling public across the State of Texas, and to and between the several sections thereof; authorizing the use of such portion of the State highway fund available for the construction and betterment of such primary highways, and placing a limit on the amount that may be so used; requiring counties through which such highways may pass to contribute their equitable share of the cost of construction or improvement, and authorizing the Highway Commission to withhold from any county which refuses or fails to contribute its just share of the cost of construction or improvement further allotments of aid, or to charge such county on any subsequent allotment of aid with its share which it should have contributed and was required to contribute; requiring that the Highway Commission shall give preference in allotments of aid wherever possible and consonant with the general plan and policy of highways in counties of this State to counties contributing to the cost of construction and improvement of the highways within such counties; providing that whenever the county contributes of its funds to the cost of such construction or improvement, the county judge or other official representative of the commissioners' court of such county in which the contract for the construction or improvement is to be let, shall have a vote with the Highway Commission in determining the type of construction and cost thereof, and in awarding and letting contracts for such construction; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of the Highway Commission to formulate a program or policy and to execute the same with as much dispatch as is possible and practicable, for a better connected and correlated system of highways in this State; in which preference shall be given in practice to the development of the principal and most frequently traveled highways of the State carrying the heaviest traffic and serving

the needs and convenience of the greatest number of people. It shall be the policy of the Highway Commission to give preference to the construction of gaps or improvement of stretches in the cardinal highways of this State or those of primary importance to the State at large, to the end that travel between controlling points may be possible; and said program shall involve the construction of more durable types of roads, within the funds at the disposal of the Highway Department. The Highway Commission shall on or before the first day of September select, designate and establish a system of primary highways out of the mileage constituting the designated highways of this State. In making the selection of highways to constitute the system of primary highways, the Commission shall choose them for their importance to the State at large with the view of serving the needs and convenience of the greatest number of people and affording to the general traveling public a connected system of highways across the State of Texas and to and between the various sections thereof. The total mileage of such highways, including the designations through cities and towns, shall not be more than five thousand miles, when originally selected, and the Commission may from time to time add additional roads to such system of primary highways, but the additional highways added to such system shall not exceed a total of three hundred miles in any one fiscal year. When the selections are made to constitute the system of primary highways, the Commission shall cause the engineering force in the employ of the Highway Department to make a map showing the route and location of said roads and the cities and towns served thereby.

Sec. 2. After the Highway Commission shall have designated the primary system, as is in this Act provided, then no designation of any highway forming a part of such system shall be annulled without the consent of the Legislature or the consent of the commissioners' court of the county in which such highway is situated. If any designation of a highway forming a part of the system of primary highways is canceled or annulled, as provided in the preceding sentence of this section, and

the county or counties through which such highway runs have subsequent to the time at which it was designated a part of said system contributed part of the cost towards the construction of such highway, then compensation shall be made by the Highway Commission to such county or counties which may have so contributed funds; such compensation to be made to such county or counties by the Highway Commission in any subsequent allotment of aid to the construction of any highway in such county or counties, giving such county or counties credit for such aid so furnished on the highway which has been taken out of said system of primary State highways.

Sec. 3. The Highway Commission shall give prior attention to the development of such primary highways selected from among the principal and most frequently used highways of the State and to filling gaps in unimproved sections therein, to the end that safe and passable roads may be afforded the general traveling public across the State of Texas, and to and from one section thereof to other sections thereof, in all kinds of weather, and the Highway Commission is authorized to use such portion of the State highway funds available for the construction and betterment of such highway system, provided not more than fifty per cent of the funds available for the construction in any one fiscal year shall be applied to such primary highways.

Sec. 4. The Highway Commission shall give preference in allotments of aid where possible and consonant with the general plan and principle of highway development and construction in this State to the counties contributing to the cost of construction and improvement of the highways within the said county or counties. When a plan has been determined upon for the development and improvement of a highway, the Highway Commission shall notify the commissioners' court of the several counties through which said highways may pass of its estimate of the equitable share of the cost of the construction or improvement which should be borne by such several counties, taking into consideration the financial ability of such county or several counties, the condition of the

roads therein, and the amount, if any, that such county or several counties have already expended under the directions of the Commission on State highways through such county or several counties forming a part of the highway system of this State. Whenever any county or counties through which any highway is to be constructed or improved shall fail or refuse to contribute its just share of cost thereof, considering its financial ability to pay and the amount of money, if any, previously spent by said county under the direction of the Commission on State highways through such county, the State Highway Commission may, nevertheless, construct such highway with funds available to it and may thereafter, if found necessary or practicable, withhold further allotments of aid from such county or may charge such county in any further allotment of aid with such share which said county ought to have contributed and was required to contribute towards the construction or improvement of such highway.

Sec. 5. Whenever the funds for the construction of any highway are furnished out of the State highway fund and funds of any county or counties, the county judge or some official representative of the commissioners' court of such county shall have the right to sit with the Commission and to vote in determining the type of construction, the cost thereof, and the awarding and letting the contract for such construction. When Federal aid is involved and the county furnishes any money in connection with the construction or improvement of any road, the commissioners' court of the county shall have a representative present at the opening of the bids and the letting of the contract, and the Highway Commission shall consult and counsel with such representative in the selection of the type of construction and the awarding and letting of the contract for such construction. The expenses of the representative of the commissioners' court may be paid out of the county road and bridge fund or out of the general fund of the county.

Sec. 6. The fact that the people of this State desire a law that will give the people a voice in letting road contracts and improving roads

in connection with the State system of designated highways, and further fact that it is to the best interest of the people to authorize the commissioners' court to have a voice in such matter, and the further fact that it would serve the best interests of this State to establish, construct and maintain a primary system of highways and insure a continuity of policy on the part of the Highway Commission, and the further fact that at this time there is no law to insure such policy in construction of highways and that the tremendous mileage of highways in this State make it possible for the funds of the Highway Department to be expended for years without affording any sort or connected or correlated system of highways creates an emergency and an imperative public necessity, that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 29, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 72, A bill to be entitled "An Act amending Article 4667 of the Revised Civil Statutes of 1925, relating to the actual, threatened or contemplated use of any premises, place or building, or part thereof for gaming or keeping or exhibiting games prohibited by the Penal Code or for keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house as those terms are defined in the Penal Code, or for carrying on bucket shops as defined in the Penal Code, or the habitual use by or permitting to remain in any such bucket shop any telegraph or telephone wires or instruments under circumstances prohibited by the Penal Code, providing more ample provisions, remedies, means and procedure in reference to same and in reference to such offenses repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration, and I am instructed to report the same back to the Senate

with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Woodward, Wood. S. B. No. 72.

A BILL

To Be Entitled

An Act amending Article 4667 of the Revised Civil Statutes of 1925 relating to the actual, threatened or contemplated use of any premises, place or building, or part thereof for gaming or keeping or exhibiting games prohibited by the Penal Code or for keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house as those terms are defined in the Penal Code, or for carrying on bucket shops as defined in the Penal Code, or the habitual use by or permitting to remain in any such bucket shop any telegraph or telephone wires or instruments under circumstances prohibited by the Penal Code, providing more ample provisions, remedies, means and procedure in reference to same and in reference to such offenses, repealing all laws and parts of laws in conflict herewith: and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4667 of the Revised Civil Statutes of 1925 is hereby amended so as to read as follows:

"Art. 4667. The actual, threatened or contemplated use of any premises, place or building, or part thereof, for any of the following purposes shall be enjoined:

1. For gaming or keeping or exhibiting games prohibited by the Penal Code.

2. For keeping, being interested in, aiding or abetting the keeping of a bawdy or disorderly house, as those terms are defined in the Penal Code.

3. For carrying on bucket shops as defined in the Penal Code, or the habitual use by or permitting to remain in any such bucket shop, any telegraph or telephone wires or instruments, under circumstances prohibited by the Penal Code.

The action may be brought in the name of the State by the Attorney General or by any district or county attorney or by any citizen in his own name. Such action shall be brought and tried as an action in equity in the district court of any county

where such premises, place or building is located or in the district courts of Travis County. If it is made to appear by affidavits, or otherwise, to the satisfaction of the court or a judge in vacation that the premises, place of building, or a part thereof, are being used or are threatened, or contemplated to be used, for any one or more of such purposes, a temporary writ of injunction shall forthwith issue restraining such unlawful use. If a temporary injunction is prayed for the court may issue an order restraining the defendant and all other persons from removing or in any way interfering with the fixtures or the things on such premises that are being used in connection with the violations alleged in the petition. No bond shall be required in instituting or prosecuting such action either in the trial court or the Appellate Courts. It shall not be necessary for the court to find the property involved was being unlawfully used as aforesaid at the time of the hearing; but, on finding that the material allegations of the petition are true, the court shall order that the premises, place or building, or part thereof, shall be no longer used for such unlawful purposes. Any person violating any restraining order or injunction issued under this Act shall be guilty of contempt of court and shall be subject to fine of not less than one hundred dollars nor more than one thousand dollars, or a jail sentence not exceeding ninety days, or both such fine and jail sentence.

"The owner or person in charge of such premises, place or building, as well as any one aiding or abetting may be made a party defendant in such action. Provided that after one year from the entering of such judgment the court may dismiss such suit and if the terms of said injunction have not been violated, upon the defendant paying all costs accrued, if the court is of the opinion that the defendant will not thereafter violate the laws involved in such action or suit on said premises or at said place."

Sec. 2. If any section, part, clause, sentence or provision of this Act should be held to be unconstitutional or invalid for any reason whatever, the validity of the remainder of the Act shall in no way be affected

thereby, but shall remain in full force and effect. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 3. The fact that in certain sections of the State lawlessness exists in reference to the matters dealt with in this Act and our present Statutes are inadequate and do not provide proper means and remedies to cope therewith, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas May 30, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

H. B. No. 45, A bill to be entitled "An Act creating a more efficient road system for Robertson County, Texas, providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners' court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof providing that the commissioners' court shall cooperate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal Government; authorizing the commissioners' court of Robertson County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and levy a tax in payment thereof, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recom-

mendation that it do pass, and be not printed.

FLOYD, Chairman.

Committee Room,
Austin, Texas, May 31, 1927.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 98, A bill to be entitled "An Act fixing compensation for county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred, to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal and not otherwise.

WIRTZ, Chairman.

By Real. S. B. No. 98.

A BILL

To Be Entitled

An Act fixing compensation for county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county tax assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office and also keeps a card index file of all automobiles, busses, and

trucks, licensed and owned on January 1st of each year, showing owner of auto, owner's address, State Highway license number, make and year model of auto, all of said information for the facilitating of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same, the commissioners' court shall allow said assessor who compiles and uses such records extra compensation, not exceeding three thousand dollars annually, beginning with the fiscal year 1927, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law, and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. That hereafter there shall be paid to county tax assessors in counties containing a city with a population of over 125,000 according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to, last owner assessed to, volume and page, description of property, assessed valuation and the consideration in the transfer; keeps a building permit record or card index of all building permits issued, showing name of owner, date of permit, description of property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office; and also keeps a card index file of all automobiles, busses and trucks, licensed and owned on January 1st of each year, showing owner of auto owner's address, State Highway license number, make and year model of auto, all of said information for the facilitating of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same, by the commissioners' court to said assessor who compiles and uses such records extra compensation not to exceed three thousand dollars an-

nually beginning with the fiscal year 1927, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law.

Sec. 2. That all laws or parts of laws in conflict herewith pertaining to said officer named above, be and the same is hereby repealed.

Sec. 3. The fact that the work of the assessor's office has been increased, and requires much labor, creates an emergency and imperative public necessity, requiring the suspension of the constitutional rule which provides for bills to be read on three several days in each House, and said rule is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 31, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Mining, Irrigation and Drainage, to whom was referred

S. B. No. 87, A bill to be entitled "An Act to vest in the State Board of Water Engineers the administration of the laws heretofore administered by the State Reclamation Engineer; providing that the powers exercised and duties performed by the State Reclamation Engineer shall be exercised and discharged by the Board of Water Engineers, and that all work that may heretofore have been planned and undertaken by the State Reclamation Engineer in the administration of his office shall be continued and completed by the Board of Water Engineers; providing that all unexpended parts of the appropriations made for the present biennium for the support of the State Reclamation Engineer's office shall be transferred to the office of the Board of Water Engineers and available for the performance of the duties herein devolved upon that department; providing that from and after the taking effect of this Act the said Department of State Reclamation Engineer shall be consolidated with the Department of the State Board of Water Engineers and the office of the State Reclamation Engineer shall be thereafter abolished; and declaring an emergency."

Have had the same under consid-

eration, and I am instructed to report the same back to the Senate with the recommendation that it do pass and that it be printed in the Journal and not otherwise.

By Wirtz.

S. B. No. 87.

A BILL
To Be Entitled

An Act to vest in the State Board of Water Engineers the administration of the laws heretofore administered by the State Reclamation Engineer; providing that the powers exercised and duties performed by the State Reclamation Engineer shall be exercised and discharged by the Board of Water Engineers, and that all work that may heretofore have been planned and undertaken by the State Reclamation Engineer in the administration of his office shall be continued and completed by the Board of Water Engineers; providing that all unexpended parts of the appropriations made for the present biennium for the support of the State Reclamation Engineer's office shall be transferred to the office of the Board of Water Engineers and available for the performance of the duties herein devolved upon that Department; providing that from and after the taking effect of this Act the said Department of the State Reclamation Engineer shall be consolidated with the Department of the State Board of Water Engineers and the office of the State Reclamation Engineer shall be thereafter abolished; and declaring an emergency.

Be it enacted by Legislature of the State of Texas:

Section 1. From and after taking effect of this Act the office of the State Reclamation Engineer shall be discontinued and the powers and duties thereof vested in the Department of State Board of Water Engineers.

Sec. 2. All powers and duties provided by statute to be administered by the office of State Reclamation Engineer, as embraced in Title 128, Chapters 5, 6 and 7, of the Revised Civil Statutes of Texas of 1925, and as set forth in the several articles included in the said chapters,

and by Chapter 72 of the General and Special Laws of Texas, First Called Session of the Thirty-ninth Legislature; and all of the laws for the construction and operation of levee or drainage improvement districts, and as were set out from time to time in the following acts, to-wit:

Chapter 2, Title 83, Revised Statutes of 1911. Chapter 85, General Laws of 1909, Thirty-first Legislature, Regular Session; S. B. No. 238. And amendments thereto.

Chapter 145, General Laws of 1913, Thirty-third Legislature, Regular Session; H. B. No. 608, and amendments thereto.

Chapter 146, General Laws of 1915, Thirty-fourth Legislature, Regular Session; H. B. No. 402, and amendments thereto.

Chapter 25, General Laws of 1918, Thirty-fifth Legislature, Fourth Called Session; H. B. No. 28. And amendments thereto.

Chapter 44, General Laws of 1915, Thirty-fifth Legislature, Fourth Called Session; S. B. No. 22. And amendments thereto.

Chapter 11, General Laws of 1915, Thirty-fourth Legislature, Regular Session; S. B. No. 6. And amendments thereto.

Title 47, Revised Civil Statutes of Texas of 1911. And amendments thereto.

Chapter 118, General Laws of 1911, Thirty-second Legislature, Regular Session; H. B. No. 315. And amendments thereto.

Chapter 28, General Laws of 1913, Thirty-third Legislature, First Called Session; H. B. No. 78. And amendments thereto.

Chapter 18, Title 25, Revised Statutes of 1911 (Chapter 84, General Laws of 1897, Twenty-fifth Legislature, Regular Session; H. B. No. 677). And amendments thereto.

Or any and all other laws upon the subject matter of this section; shall be, from and after the taking effect of this Act, imposed upon and discharged by the Department of the State Board of Water Engineers.

Sec. 3. All work heretofore undertaken or planned by the office of the State Reclamation Engineer, under the laws administered by the said office, shall be completed in the manner prescribed by the said De-

partment of the Board of Water Engineers; and in any application or petition respecting the organization or operation of any district, or for the exercise of any function devolved by statute upon the office of the State Reclamation Engineer, the term "State Reclamation Engineer" as it may appear in the statute shall be construed to mean the State Board of Water Engineers.

Sec. 4. All unexpended balances of any appropriation made for the biennium ending August 31, 1927, for the support and administration of the duties devolved by law upon the office of the State Reclamation Engineer shall be, and are hereby transferred to the credit of the Department of the State Board of Water Engineers for the discharge of the duties devolved by the provisions of this Act.

Sec. 5. It shall be the duty of the State Board of Water Engineers in the administration of the provisions of the laws hereby transferred to and devolved upon that Department to assign and place the supervision of the work of such levee and drainage district acts under the immediate direction of an engineer, or member of the Board of Water Engineers, who shall be a skilled topographer and hydrographer, draftsman and reclamation engineer of not less than five (5) years' actual experience in supervising topographic surveying and mapping and in a knowledge of reclamation and estimates.

Sec. 6. The fact that this Act for the consolidation of the office of State Reclamation Engineer with the office of the State Board of Water Engineers will represent a more constructive public policy on the part of the State in the efficient administration of these duties, and is calculated to represent an economy to the State, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 30, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 100, A bill to be entitled "An Act to create Lamar-Delta County Levee Improvement District Number Two, in the counties of Lamar and Delta, State of Texas; validating and approving all orders made by the commissioners' courts of said counties and of the Board of Supervisors of said district in respect to the organization and establishment thereof; validating, approving and ratifying all proceedings had by the commissioners' courts relative to the appointment of the Commissioners of Appraisalment of said district; validating, ratifying and approving all proceedings had by the Commissioners of Appraisalment of said district in respect of assessments of benefits and damages to lands to be affected by the carrying out of the Plan of Reclamation approved by the State Reclamation Engineer; validating the authorization, issuance and sale of certain improvement bonds of said district, and providing for their payment by the annual levy, assessment and collection of taxes on all taxable property in said Levee District; approving and validating all orders, resolutions or decrees of the commissioners' courts of said counties, the Board of Supervisors of said Levee District, and the Commissioners of Appraisalment of said Levee District, in respect of the said district, its bonds and taxes, or certified copies thereof, and constituting such orders, resolutions and decrees legal evidence; evidencing proof of publication of constitutional notice; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

FLOYD, Chairman.

FIFTEENTH DAY.

Senate Chamber,

Austin, Texas,

May 31, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names: